

May 19, 2016

TO: Members of the MAG Air Quality Technical Advisory Committee

FROM: Tim Conner, Scottsdale, Chair

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

Thursday, May 26, 2016 - 1:30 p.m.
MAG Office, Suite 200 - Saguaro Room
302 North 1st Avenue, Phoenix

A meeting of the MAG Air Quality Technical Advisory Committee has been scheduled for the time and place noted above. Members of the Air Quality Technical Advisory Committee may attend the meeting either in person, by videoconference or by telephone conference call. Those attending by videoconference must notify the MAG site three business days prior to the meeting. If you have any questions regarding the meeting, please contact Chair Conner or Lindy Bauer at 602-254-6300.

Please park in the garage underneath the building, bring your ticket, and parking will be validated. For those using transit, Valley Metro/Regional Public Transportation Authority will provide transit tickets for your trip. For those using bicycles, please lock your bicycle in the bike rack in the garage.

In 1996, the Regional Council approved a simple majority quorum for all MAG advisory committees. If the MAG Air Quality Technical Advisory Committee does not meet the quorum requirement, members who arrived at the meeting will be instructed a legal meeting cannot occur and subsequently be dismissed. Your attendance at the meeting is strongly encouraged. If you are unable to attend the meeting, please make arrangements for a proxy from your entity to represent you.

Pursuant to Title II of the Americans with Disabilities Act (ADA), MAG does not discriminate on the basis of disability in admissions to or participation in its public meetings. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Leila Gamiz at the MAG office. Requests should be made as early as possible to allow time to arrange the accommodation.

TENTATIVE AGENDA

COMMITTEE ACTION REQUESTED

1. Call to Order

2. Call to the Audience

An opportunity will be provided to members of the public to address the Air Quality Technical Advisory Committee on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Members of the public will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Air Quality Technical Advisory Committee requests an exception to this limit. Please note that those wishing to comment on action agenda items will be given an opportunity at the time the item is heard.

3. Approval of the March 24, 2016 Meeting Minutes

4. Draft April 2016 Conformity Analysis for the Draft FY 2017-2021 MAG Transportation Improvement Program and Draft Amendment to the 2035 MAG Regional Transportation Plan

The Draft April 2016 Conformity Analysis concludes that the Draft FY 2017-2021 MAG Transportation Improvement Program (TIP) and Draft Amendment to the 2035 MAG Regional Transportation Plan meet all applicable federal conformity requirements and are in conformance with the applicable air quality plans. Following a 30-day public review and comment period, a public hearing will be conducted on June 7, 2016 on the Draft TIP, 2035 Regional Transportation Plan, and Conformity Analysis. Comments received to date on the Draft April 2016 Conformity

2. For information.

3. Review and approve the March 24, 2016 meeting minutes.

4. Recommend approval of the Draft April 2016 Conformity Analysis for the Draft FY 2017-2021 MAG Transportation Improvement Program and Draft Amendment to the 2035 MAG Regional Transportation Plan.

Analysis will be reviewed with the Committee.
Please refer to the enclosed material.

5. Update on the Moderate Area Ozone Plan

On May 4, 2016, EPA published a notice to take final actions for the 36 Marginal nonattainment areas. In the notice, EPA determined that the Maricopa Eight-Hour Ozone Nonattainment Area did not attain the standard and would be reclassified from Marginal to Moderate. The attainment date for Moderate Areas is July 20, 2018. A new plan will be due by January 1, 2017. The plan is required to include reasonable further progress; reasonably available control technology; reasonably available control measures; new source review; emissions inventories; modeling attainment demonstration for 2017 (ozone season prior to the attainment date); contingency measures; and motor vehicle emissions budgets for conformity. To date, there are approximately 93 existing control measures in the Maricopa Eight-Hour Ozone Nonattainment Area. An update on the plan will be provided. Please refer to the enclosed material.

6. Ozone Boundary Designations

On April 27, 2016, the MAG Regional Council approved sending a letter to the Arizona Department of Environmental Quality (ADEQ) requesting that the Maricopa ozone boundary not be expanded at this time, since the Queen Valley and Tonto National Monument monitors only slightly exceed the 2015 ozone standard and there is a downward trend at the monitors. Monitor data from the 2016 ozone season should be evaluated first to determine if the monitors have met the standard or if it is necessary to revise the boundary recommendation. In the guidance memorandum for ozone designations, the Environmental Protection Agency (EPA) encourages states to consider preliminary 2016 data in making their recommendations

5. For information and discussion.

6. For information and discussion.

on ozone boundaries, since EPA will be considering 2014-2016 data in finalizing the designations. EPA may also consider 2017 data. On May 5, 2016, ADEQ met with the Maricopa County Air Quality Department, Pinal County Air Quality Department, and MAG and indicated that the current ozone boundary would be put forth as the preferred option and the 2016 monitor data would be considered. Other options may also be put forward. On May 23, 2016, ADEQ will conduct another stakeholder meeting on the ozone boundary designations. An update will be provided. Please refer to the enclosed material.

7. CMAQ Annual Report

In accordance with federal guidance, the 2015 Congestion Mitigation and Air Quality Improvement (CMAQ) Funds Annual Report describes how funds have been spent and the expected air quality benefits. Project data for the report was uploaded to the Federal Highway Administration CMAQ Project Tracking System by MAG and the Arizona Department of Transportation staff and includes projects for the Maricopa County nonattainment and maintenance areas and the Pinal County PM-2.5 and PM-10 nonattainment areas. The report is in the format generated by the CMAQ Project Tracking System. Please refer to the enclosed material.

8. Call for Future Agenda Items

The next meeting of the Committee has been tentatively scheduled for **Thursday, June 23, 2016 at 1:30 p.m.** The Chair will invite the Committee members to suggest future agenda items.

7. For information and discussion.

8. For information and discussion.

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
AIR QUALITY TECHNICAL ADVISORY COMMITTEE MEETING

Thursday, March 24, 2016

MAG Office
Phoenix, Arizona

MEMBERS ATTENDING

Tim Conner, Scottsdale, Chairman	Liz Foster for Jeanette Fish, Maricopa County Farm Bureau
Jamie McCullough, El Mirage, Vice Chair	Heather Thrasher for Steve Trussell, Arizona Rock Products Association
Drew Bryck, Avondale	* Claudia Whitehead, Greater Phoenix Chamber of Commerce
Robert van den Akker, Buckeye	* Amanda McGennis, Associated General Contractors
Jon Sherrill, Chandler	* Spencer Kamps, Homebuilders Association of Central Arizona
# Hondo Judd, Gilbert	Mannie Carpenter, Valley Forward
# Megan Sheldon, Glendale	Kai Umeda, University of Arizona Cooperative Extension
* Cato Esquivel, Goodyear	Beverly Chenausky, Arizona Department of Transportation
* Kazi Haque, Maricopa	# Eric Massey for Marina Mejia for Arizona Department of Environmental Quality
Greg Edwards, Mesa	* Environmental Protection Agency
Janet Ramsay for Stuart Kent, Peoria	Hether Krause, Maricopa County Air Quality Department
Joe Giudice, Phoenix	Scott DiBiase, Pinal County
Antonio DeLaCruz, Surprise	* Michelle Wilson, Arizona Department of Weights and Measures
Oddvar Tveit, Tempe	@* Ed Stillings, Federal Highway Administration
* Youngtown	* Judi Nelson, Arizona State University
* Ramona Simpson, Queen Creek	Stan Belone, Salt River Pima-Maricopa Indian Community
* Walter Bouchard, American Lung Association of Arizona	
Kristin Watt, Salt River Project	
* Rebecca Hudson-Nunez, Southwest Gas Corporation	
Michael Denby, Arizona Public Service Company	
* Gina Grey, Western States Petroleum Association	
* Robert Forrest, Valley Metro/RPTA	
* Dave Berry, Arizona Motor Transport Association	

*Members neither present nor represented by proxy.

#Participated via telephone conference call.

+Participated via video conference call.

@ Ex-Officio member, non-voting member.

OTHERS PRESENT

Lindy Bauer, Maricopa Association of Governments
Julie Hoffman, Maricopa Association of Governments
Matt Poppen, Maricopa Association of Governments
Kara Johnson, Maricopa Association of Governments
Dean Giles, Maricopa Association of Governments
Taejoo Shin, Maricopa Association of Governments
Randy Sedlacek, Maricopa Association of Governments

Laura Hyneman, Mesa
Joonwon Joo, Arizona Department of Transportation
Bob Huhn, Maricopa County Air Quality Department
Joe Gibbs, City of Phoenix

1. Call to Order

A meeting of the Maricopa Association of Governments (MAG) Air Quality Technical Advisory Committee (AQTAC) was conducted on March 24, 2016. Tim Conner, City of Scottsdale, Chair, called the meeting to order at approximately 1:30 p.m. Eric Massey, Arizona Department of Environmental Quality; Hondo Judd, Town of Gilbert; and Megan Sheldon, City of Glendale, attended the meeting via telephone conference call.

Chair Conner indicated that copies of the handouts for the meeting are available. He noted for members attending through audio conference, the presentations for the meeting will be posted on the MAG website under Resources for the Committee agenda, whenever possible. If it is not possible to post them before the meeting, they will be posted after the meeting.

2. Call to the Audience

Chair Conner stated that the Call to the Audience provides an opportunity for members of the public to address the Committee on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Comment cards for those wishing to speak are available on the tables adjacent to the doorways inside the meeting room. Members of the public will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Committee requests an exception to this limit. Please note that those wishing to comment on action agenda items will be given an opportunity at the time the item is heard. Chair Conner noted that no public comment cards had been received.

3. Approval of the January 28, 2016 Meeting Minutes

The Committee reviewed the minutes from the January 28, 2016 meeting. Mannie Carpenter, Valley Forward, moved and Oddvar Tveit, City of Tempe, seconded, and the motion to approve the January 28, 2016 meeting minutes carried unanimously.

4. Update on the Moderate Area Ozone Plan

Matt Poppen, Maricopa Association of Governments, presented an update on the MAG Eight-Hour Ozone Moderate Area Plan for the Maricopa Nonattainment Area. The Moderate Area Plan is due January 1, 2017.

Mr. Poppen provided the Moderate Area Requirements. He stated that the Plan is required to demonstrate reasonable further progress (RFP). Mr. Poppen indicated that to demonstrate reasonable further progress, a Plan is required to demonstrate a minimum 15 percent reduction in anthropogenic volatile organic compound (VOC) emissions over a six year period, from 2012 to 2017. He noted that the attainment date for the region is July 20, 2018. Mr. Poppen reported that the Plan is required to demonstrate attainment in the prior 2017 ozone season since the attainment date is in the middle of the 2018 summer ozone season. He stated that three years of clean data is required at the monitors for years 2015, 2016, and 2017 to demonstrate that the region has met the standard. Mr. Poppen noted that the Environmental Protection Agency (EPA) has not finalized the reclassification of the Maricopa nonattainment area to a Moderate Area, however no changes are expected.

Mr. Poppen provided additional Moderate Area requirements. Additional requirements include: reasonably available control technology (RACT); reasonably available control measures (RACM); new source review; emissions inventories for the base year and attainment year; contingency measures; Motor Vehicle Emissions Budgets for transportation conformity; motor vehicle inspection and maintenance program; and emissions offset requirement for major industries. Mr. Poppen stated that he will provide an overview of RACT and RACM.

Mr. Poppen discussed reasonably available control technologies. Clean Air Act Section 182(b)(2) requires Moderate Areas to implement RACT. Mr. Poppen stated that the requirement to meet RACT for Moderate Areas is an independent requirement of what is needed for attainment. He added that RACT is required regardless if it is needed to attain the standard. EPA defines RACT as “the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.” RACT for Moderate Areas applies to all major stationary sources of VOC and nitrogen oxides (NOx). Mr. Poppen indicated that major sources of VOC or NOx are defined as having 100 tons per year of emissions of either VOC or NOx. RACT also applies to stationary sources for which EPA has issued Control Techniques Guidelines (CTGs) and Alternative Control Techniques (ACTs). Mr. Poppen added that CTGs and ACTs apply to stationary sources categories such as gasoline stations or the coating of wood furniture.

Mr. Poppen indicated that EPA states that RACT needs to be current, as RACT may change over time as technology develops. EPA encourages states to review rules in other states to help determine what is current RACT. Maricopa County Air Quality Department is currently in the process of reviewing and revising their stationary source VOC and NOx rules to meet RACT requirements. Pinal County Air Quality Control District indicated that there are two source categories in the Pinal County portion of the nonattainment area that are subject to RACT, gas stations and a metal surface coating operation. Mr. Poppen stated that RACT submittals are due to EPA by January 1, 2017, and will be submitted separately to EPA by Maricopa and Pinal County when complete.

Mr. Poppen stated that independent of the RACT requirement, a reasonably available control measures (RACM) analysis is also required. Clean Air Act Section 172(c)(1) requires the Moderate Area Plan to include provisions that “shall provide for the implementation of all RACM as expeditiously as practicable (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of RACT) and shall provide for attainment of the national primary ambient air quality standards.” Additionally, 40 Code of Federal Regulations Section 51.1112(c) requires that “the state shall submit with the attainment demonstration a State Implementation Plan revision demonstrating that it has adopted all RACM necessary to demonstrate attainment as expeditiously as practicable and to meet any RFP requirements.” Mr. Poppen indicated that RACM is very broad and applies to both stationary and mobile sources. He added that any anthropogenic source of VOC or NOx can be evaluated under RACM.

Mr. Poppen continued discussion on the RACM analysis. Mr. Poppen stated that in order to meet RACM requirements, EPA guidance requires a state to adopt all reasonable measures (including RACT) to meet RFP requirements and to demonstrate attainment as expeditiously as

practicable. A state must also demonstrate that there are no additional measures that are reasonably available that will advance the attainment date by at least one year or contribute to RFP emission reductions. Mr. Poppen indicated that the EPA guidance requires that states should consider “all available measures, including those being implemented in other areas, and that a state must adopt measures for an area only if those measures are economically and technologically feasible and will advance the attainment date or are necessary for RFP.”

Mr. Poppen stated that over time the Maricopa nonattainment area has adopted and implemented 93 existing federal, state, and local ozone control measures. These measures continue to provide ongoing emissions reductions of VOC and NO_x into the future. Mr. Poppen noted that MAG is working closely with the Maricopa County Air Quality Department on the evaluation of RACM, including the evaluation of EPA’s Menu of Control Measures and NO_x and VOC rules in other nonattainment areas. The EPA Menu of Control Measures is a table of VOC and NO_x measures compiled from around the country for addressing mobile and stationary sources of VOC and NO_x. Since preliminary modeling indicates that existing nonattainment area measures are sufficient to demonstrate attainment as expeditiously as practicable and meet RFP requirements, no additional or stricter RACM are necessary. Additionally, no additional or stricter RACM will advance the attainment date by one year to July 20, 2017, as the measures would need to be in place by April 1, 2016 at the latest, which is not feasible. Mr. Poppen commented that this is not feasible because the measures would have to be adopted and implemented before the Plan is due to EPA and likely before EPA finalizes the reclassification to a Moderate Area.

Mannie Carpenter, Valley Forward, inquired if there is consultation with EPA while the analysis is being developed. Mr. Poppen replied that there has been consultation with EPA in which EPA has shared examples of RACM analyses. He stated that those conversations with EPA will continue as the analysis moves forward.

Hether Krause, Maricopa County Air Quality Department, provided an update. She stated that Maricopa County has concluded workshops on nine ozone rules. Ms. Krause indicated that the next step is a Board of Health meeting on April 25, 2016 and then publishing by the Secretary of State.

Drew Bryck, City of Avondale, asked where to find the list of the 93 implemented measures. Mr. Poppen responded that the list was provided in the January 28, 2016 Committee agenda materials. He added that MAG staff can email Mr. Bryck the list as well.

5. Ozone Boundary Designations

Lindy Bauer, Maricopa Association of Governments, presented an update on the ozone boundary designations. On October 26, 2015, EPA published the final notice to strengthen the eight-hour ozone standard from 0.075 to 0.070 parts per million (ppm). Ms. Bauer stated that by October 1, 2016 states are required to submit designation recommendations for attainment or nonattainment to EPA based upon 2013 to 2015 ozone monitoring data. She indicated that the Arizona Department of Environmental Quality (ADEQ) conducted two stakeholder meetings on the ozone boundary designations on February 23, 2016. By October 1, 2017, EPA will finalize the designations, classifications, and attainment dates based upon 2014 to 2016 ozone monitoring

data. Ms. Bauer noted that if requested, EPA can also evaluate 2017 ozone monitoring data. Attainment dates will range from the year 2020 to late 2037 depending upon ozone levels in the area (Marginal to Extreme).

Ms. Bauer provided an overview of ozone. She indicated that ground level ozone is a summer air pollution problem in the region. Ozone is not directly emitted into the atmosphere, rather it is formed through a chemical reaction between VOC and NO_x emissions in the presence of sunlight.

Ms. Bauer presented the draft 2011 ozone season-day VOC emissions in the Maricopa nonattainment area. She noted that biogenics, natural vegetation such as trees and plants, is the largest category at 58.5 percent. Area sources make up 19 percent of the VOC emissions and include the following: solvents and coatings use; fuel storage and transport; waste treatment and disposal; industrial and chemical processes; residential and industrial fuel combustion; and wildfires. Ms. Bauer reported that onroad sources, including cars and trucks, are 12.3 percent of the emissions. Nonroad sources make up 9.8 percent, which include: commercial; industrial; construction; mining; lawn and garden; farm and recreational equipment; aircraft; and locomotives. The remaining 0.5 percent are point sources, which are industrial, manufacturing and electrical power generating facilities.

Ms. Bauer discussed NO_x emissions. The draft 2011 ozone season-day NO_x emissions in the Maricopa nonattainment area include the following: 60.9 percent are from onroad sources; 28.5 percent are from nonroad; 6.3 percent are from area sources; 3.0 percent are from point sources; and 1.2 percent are from biogenic sources.

Ms. Bauer stated that ADEQ is evaluating the data to determine the boundary recommendation. Under the Clean Air Act Section 107(d), nonattainment areas include areas that are violating the standard or are contributing to the nonattainment of other nearby areas. ADEQ is evaluating five factors: air quality data; emissions and emissions related data; meteorology; geography/topography; and jurisdictional boundaries.

Ms. Bauer presented the 2013-2015 average of the fourth highest ozone concentrations in parts per million, with the June 20, 2015 ozone wildfire exceptional event excluded. She indicated that the Maricopa eight-hour ozone nonattainment area is marked in red. The current boundary is approximately 5,017 square miles. Within the nonattainment area, there are 20 air quality monitors in which 13 monitors do not meet the tightened ozone standard. Ms. Bauer stated that the Maricopa nonattainment area is violating the new standard. She added that the Maricopa Association of Governments Metropolitan Planning Organization (MPO) boundary is marked in blue on the figure. The MPO boundary was expanded in 2013 and covers the entire Maricopa nonattainment area and beyond. Under state law, if the nonattainment area includes an MPO, that agency prepares the air quality plan and shall be certified by the Governor.

Ms. Bauer commented on two monitors located outside the Maricopa nonattainment area, the Tonto National Monument and Queen Valley Monitors. These two monitors do not meet the new ozone standard of 0.070 ppm. The Tonto National Monument monitor is located in the Tonto National Forest with a reading of 0.071 ppm. The Queen Valley monitor is located in Pinal County with a reading of 0.071 ppm. Ms. Bauer stated that the value for the Tonto monitor

excludes the wildfire exceptional event on June 20, 2015. She commented that the two monitors are only slightly over the tightened ozone standard. Ms. Bauer stated that the issue under consideration is, should the two monitors, that are slightly over the standard, be included in the nonattainment area.

Ms. Bauer presented the ozone monitoring trend data at the Queen Valley and Tonto National Monument monitors for years 2001 to 2015. She stated that the data shows a downward trend. The dotted line is the 0.070 ppm standard. Ms. Bauer noted that one monitor is located in the Tonto National Forest and the other is on the border. She commented that there is some transport from the Maricopa nonattainment area to the monitor locations. However, MAG staff conducted HYSPLIT modeling that determined the wind direction is not always flowing from the nonattainment area to these monitoring locations. Ms. Bauer mentioned that the location of the monitors is near biogenic sources that can contribute to ozone.

Ms. Bauer discussed the emerging issue of background ozone. EPA recently conducted workshops on background ozone. Ms. Bauer indicated that when EPA lowered the standard, background ozone is a larger part of an area's concentration. Background ozone includes: natural sources such as plants, vegetation, trees, wildfires, and stratospheric ozone intrusion; transport from other states; and international transport. Ms. Bauer noted that stratospheric ozone intrusion is where ozone from the stratosphere is pulled down to ground level during storms which can result in increased ozone concentrations. She stated that EPA estimates that in 2017, background ozone will be 52 percent of the concentration in the Maricopa nonattainment area, 67 percent of the concentration at the Queen Valley monitor, and 64 percent at the Tonto National Monument monitor. Ms. Bauer commented that background ozone is difficult because the state and local agencies cannot control it. The state and local agencies focus on manmade sources within the nonattainment area and this region already has 93 existing federal, state, and local control measures in place. Ms. Bauer noted that it is difficult to find additional control measures that will have an impact. EPA indicates that there are some federal control measures that will have an impact. Ms. Bauer stated that EPA has published a list of those measures that have been presented to the Committee, such as the Tier 3 vehicle tailpipe standards. The hope is that the federal control measures will help with concentrations in our nonattainment area and transport from other states.

Ms. Bauer displayed an EPA map of estimated background ozone concentrations for the United States. She noted the Intermountain West has the highest background ozone concentrations. EPA has indicated that the Intermountain West has the highest concentrations due to: high elevations that capture transport; rural locations; federal land; and stratospheric ozone intrusions. Ms. Bauer stated that despite the lower background ozone concentrations in the East, background ozone is still an issue in these areas as well. She mentioned that many states expressed concern on background ozone at the EPA workshop. When EPA lowered the ozone standard, background ozone became a larger percentage of an area's ozone concentration.

Ms. Bauer discussed the ozone boundary issues. She repeated that background ozone is now a larger percentage of an area's ozone concentrations with the new 2015 ozone standard. Inside the nonattainment area, tighter controls on business and industry will apply. If the boundary is expanded, those businesses and industries now in the nonattainment area will be required to meet offset requirements. If a new company in the nonattainment area is a major source, 100 tons or

more, they may look for emission reduction credits from the Arizona Emissions Bank. However, the Arizona Emissions Bank does not have many, if any, credits available. Ms. Bauer noted that this is a deterrent to new business and industry moving into the region. She stated that at the March 23, 2016 MAG Regional Council meeting, a member of the Maricopa County Board of Supervisors had discussed that the lack of credits is an issue for existing business and industry that would like to expand. Existing business and industry bring new jobs into the region, however if there are no emission reduction credits in the bank to purchase for the expansion, this could negatively impact economic development. Ms. Bauer indicated that this is a difficult issue. She also noted that the state is required to report the violating monitors.

Ms. Bauer continued discussion on ozone boundary issues. She mentioned that there are also transportation conformity requirements. The Regional Planning Agency authority to develop air quality plans is tied to the MPO boundary (A.R.S. 49-406A.). The Plan determines the Motor Vehicle Emissions Budget for transportation conformity.

Ms. Bauer stated that MAG has analyzed the data on whether the two monitors should be included in the boundary. MAG has indicated to ADEQ, based upon the downward trend in the monitoring data and that both monitors only slightly exceed the standard, that the boundary does not need to be expanded at this time. Ms. Bauer indicated that ADEQ is required to report violating monitors, however the upcoming ozone season has not yet occurred. The ozone nonattainment area may not need to be expanded if the ozone concentrations come down in 2016 and the monitors are in compliance. ADEQ has indicated they can revise their ozone boundary designation recommendation. Ms. Bauer noted that if the monitors were to violate the standard, ADEQ could revise the recommendation to expand the boundary. She discussed that MAG has recommended that ADEQ consider not expanding the boundary at this point in time due to the downward trend of ozone concentrations at the monitors and that the monitors are only slightly over the new standard. The 2016 monitor data should be considered first before recommending a boundary expansion. In the guidance, EPA encourages states to consider 2016 data in making their recommendations.

Ms. Bauer discussed the ADEQ boundary designation schedule. On April 14, 2016, ADEQ has scheduled another stakeholder meeting. ADEQ will prepare a draft designations document. A notice of availability will be published in May 2016. A public hearing would be conducted in June 2016. The designations document would be submitted to the Governor in September 2016. The Governor would then submit the document to EPA by October 1, 2016.

Eric Massey, Arizona Department of Environmental Quality, thanked Ms. Bauer for her presentation. He stated that ADEQ is considering the MAG request to not expand the ozone nonattainment area boundary, however the Governor's ozone boundary designation recommendation is required to utilize 2013 to 2015 data. Mr. Massey indicated that all of the recommendations and data will be considered. He noted no decisions have yet been made on the boundary designation recommendation. Mr. Massey stated that ADEQ is considering a similar approach to one submitted for lead boundary designations where two options are offered. One option would be the recommendation based on 2013 to 2015 data, however if the 2016 data was lower and the monitors were in compliance, ADEQ would recommend keeping the nonattainment area boundaries the same. An ADEQ recommendation revision may not be necessary if a two option recommendation is submitted. Mr. Massey indicated that a two option ozone boundary designation recommendation provides all the information to EPA up-front and

the state maintains the opportunity to negotiate with EPA. He added that there will be more discussion on April 14, 2016. Mr. Massey indicated that ADEQ is leaning towards the two option recommendation, however it is open to comment.

7. Maricopa County Ozone Campaign

Chair Conner indicated that agenda item number seven will be heard before agenda item number six. Bob Huhn, Maricopa County Air Quality Department, presented the Maricopa County Ozone Campaign. He thanked the Committee for all their help with the Ozone and No Burn Campaigns. Mr. Huhn stated that he will provide an overview of the previous Ozone Campaign and the upcoming 2016 Ozone Campaign. He stated that the main concerns with ozone are the health effects for residents of the region.

Mr. Huhn displayed a table of 2015 ozone design values at the monitors. He noted that a number of the monitors are in compliance with the 2008 ozone standard of 0.075 ppm. However, a majority of the monitors are not in compliance with the tightened 2015 ozone standard of 0.070 ppm. Mr. Huhn noted that more High Pollution Advisories will occur with the lower standard. He stated that the Campaign is important to educate and spread the message about ozone.

Mr. Huhn discussed the first Ozone Campaign in 2015. He indicated that the Campaign may be added to each year. The 2016 Campaign will kick off April 1, 2016 with a News Release. Mr. Huhn stated that the 2015 Campaign utilized: billboards; a light rail wrap; community newsletters; radio advertisements and public service announcements (PSAs); social media; and websites. He noted that there was a great deal of help from many partners. Mr. Huhn displayed the daily tips that were utilized on the 2015 billboards. The Campaign daily tips were a call to action that featured the slogan "Help Keep Ozone Away, Commit to One Day." Mr. Huhn commented that slight changes will be made to the messaging and billboards for the 2016 Ozone Campaign, however the characters will remain.

Mr. Huhn displayed results from the 2015 Ozone Campaign survey. He commented that three in five Metro-Phoenix area residents reported being familiar with air quality issues in Maricopa County. He reported that one in five residents, 20 percent, had seen or heard about the "Commit to One Day, Help Keep Ozone Away" Campaign. Mr. Huhn stated that the Maricopa County Air Quality Department was pleased with the 20 percent result since this was the first year of the campaign, but he noted that there is still room for improvement. Overall, four in five, 80 percent, of residents indicate being likely to take at least one of the proposed actions to help reduce ozone. He noted residents of Central and West Phoenix were significantly more likely than East Valley residents to take each of the proposed actions, with the exception for light rail and bus. Central Phoenix residents were more likely than East and West Valley residents to ride the light rail or bus. Mr. Huhn stated that the Campaign can target slightly different audiences by geographic location, for example light rail promotion may be heavier downtown.

Mr. Huhn discussed the 2016 Ozone Campaign. He stated that currently television advertisements are being created for spots that feature the characters. Mr. Huhn indicated that the characters were well received in the previous campaign. An agreement has been finalized with a production company to create 10 second, 15 second, and 30 second animated spots. Mr. Huhn played a five second animated spot. Mr. Huhn indicated that the spot will be one

continuous shot with a voice over that features the characters participating in ways to reduce ozone. The animated spots will have the “Commit to One Day” call to action.

Mr. Huhn stated that the billboards will undergo an evolution. Mr. Huhn indicated that the Clean Air Council made a recommendation to not limit the actions to one day a week, that residents can do these actions on any day of the week or everyday. He noted that the billboard display presented has not been finalized, however, it shows some of the changes. The seven different billboards will present a general call to action to reduce ozone. The billboards will run on digital displays and traditional billboards.

Mr. Huhn presented the previous light rail wrap and the concept for the new light rail wrap. The 2016 Ozone Campaign light rail wrap will feature the general message while acknowledging the light rail riders and others who see the message. The light rail wrap states, “Riding Light Rail Helps Keep Ozone Away! For more ways YOU can reduce air pollution, visit: cleanairmakemore.com/ozone.”

Mr. Huhn noted that the 2016 Campaign radio PSA’s will remain the same as the previous campaign. He played an animated 15 second PSA that can be played on various platforms.

Mr. Huhn discussed social media elements for the Maricopa County Air Quality Department, as well as, other partners and communities. He stated that social media helps the Campaign reach new audiences when partners or communities share the posts. Mr. Huhn indicated that the most recent No Burn Campaign boosts on social media were very effective for minimal cost. This will also be done for the 2016 Ozone Campaign.

Mr. Huhn displayed a new element for the 2016 Campaign: a character mascot. The character mascot will be used for outreach, events, and perhaps light rail promotion. The mascot will be designed after one of the main characters. Mr. Huhn stated that several companies were evaluated and advice was sought from the Phoenix Suns mascot. He indicated that the company selected has made costumes for many notable companies. The Maricopa County Air Quality Department is currently working with the company on the mascot costume development.

Mr. Huhn discussed the ozone online toolkit. The toolkit is comprised of the following: radio and television PSAs; promotional materials such as flyers and posters; artwork and logos; newsletter stories and op-ed pieces. Mr. Huhn stated that this toolkit will be available for partners, communities, and any entity that would like to help spread the word about the Ozone Campaign. He noted that the toolkit can be downloaded from the Maricopa County website. Mr. Huhn indicated that a majority of the toolkit will be finalized by April 1, 2016, however the spots will not be available by that date. An education coordinator has also composed lesson plans and curriculum for varying grade levels that will be available in the toolkit.

Mr. Huhn shared ways for communities to spread the word on the Ozone Campaign. Some partners and communities have helped with the following: purchase billboards and PSA spots; promote on social media; spread the word at local meetings; and newsletter features. The target audience of the campaign is drivers, especially single occupancy drivers. Mr. Huhn stated that Maricopa County has partnered with Uber. He indicated that Uber will be offering a discount for riders on High Pollution Advisory days, however this still would not eliminate cars on the road. Mr. Huhn stated that Uber will also offer fare sharing that will allow multiple riders in the same area or with a destination in the same area to gain a discounted rate for sharing the Uber

trip. Uber also mentioned the possibility of carpooling that would get multiple people in the vehicle and less cars on the road. Mr. Huhn indicated that Uber is also encouraging drivers to refuel vehicles after dark. He added that Uber has discussed working with the Trip Reduction Program to provide rewards. Mr. Huhn inquired if anyone had questions or feedback on the Ozone Campaign. None were noted.

6. Update on the Maricopa County Winter No Burn Campaign

Mr. Huhn provided an update on the Maricopa County Air Quality Department Winter No Burn Campaign. He stated that for the first time in several years, the region did not have a No Burn Day on Christmas Eve and Christmas Day, however there was an exceedance on Christmas Day. Mr. Huhn indicated that determining a No Burn Day is based on meteorology and formulas. A No Burn Day was not determined necessary on Christmas Eve and Christmas Day due to windy weather conditions. Mr. Huhn reported that media articles on the determination not to have a No Burn Day discussed responsible wood burning, however some of the headlines may have sent the wrong message, which resulted in the exceedance on Christmas Day.

Mr. Huhn provided enforcement data for December 31, 2015 and January 1, 2016 No Burn Days. He reported the following: 167 complaints received; 312 canvassing letters; 14 unconfirmed burn letters sent; seven warning notices; and one Notice of Violation (NOV) was given to a restaurant. Mr. Huhn reported that the complaints and canvassing letters were higher than previous years. He explained that when a complaint is received from a neighborhood that has smoke, but a source cannot be identified canvassing letters will be sent to that neighborhood or area. Unconfirmed burn letters are sent when a complaint is filed for a specific address, however the smoke cannot be verified. Mr. Huhn noted that one restaurant was issued a NOV; they had received violations in the past. He commented that the numbers may appear low, however this was for a two day period.

Mr. Huhn discussed the outreach for the No Burn Campaign. He stated that the outreach included: billboards in English and Spanish; Arizona Department of Transportation signs; television, radio, and newspaper outreach in English and Spanish; grocery store signage, weekly advertisements, and in-house radio; residence door-hangers in English and Spanish; public and private partnerships; and social media. Mr. Huhn noted that La Voz hung residence door hangers within a two mile radius of the West Phoenix and South Phoenix monitor. He noted a photo in a nail salon that had displayed No Burn Day Campaign graphics.

Mr. Huhn discussed social media. He reported the Maricopa County reached a combined 51,450 views after boosting two different posts on Facebook. One boosted post was about the mobile application and the other post was about the No Burn Days on December 31 and January 1. Mr. Huhn noted that boosting the posts on social media opened up a lot of feedback from the public that demonstrated the campaign was reaching a larger audience than in the past. He reported that Twitter impressions increased from 2,885 to 19,910. The weekly mobile application downloads increased by 168 percent that resulted in 820 application downloads from the boosted posts. Mr. Huhn noted that Fox 10, ABC 15, Amanda Reeve, Eric Massey, as well as, many agencies aided in sharing posts on social media.

Mr. Huhn discussed media coverage. He indicated that the information presented is solely news coverage on New Years Eve and New Years Day and does not include the paid advertisement.

The local television viewership was 756,084 and there were 34 media requests. Mr. Huhn stated that 19 interviews were conducted and ride alongs occurred with many news agencies on New Years Day due to the high concentration levels. A bonfire was captured by multiple news stations that was found during one ride along with a news crew. The bonfire was extinguished using water which produced smoke. The news stations were able to capture footage for the news reports. Mr. Huhn stated that some of the weather forecasts on the news stations discussed the No Burn Campaign and inversions with regard to the No Burn Campaign. Mr. Huhn noted that the advertisement value for the news coverage if paid was \$69,015.51.

Mr. Huhn provided an overview of paid media coverage. The paid media coverage included: 15 second bookend television PSAs; 30 second television PSAs provided by many television stations; radio spots; social media posts; news and weather coverage; community shows; live segments; Time Warner Cable crawls were provided by COX; cross-channel taggables; digital push down advertisements through La Voz. Mr. Huhn stated that ADEQ provided the funding for the coughing camel advertisements. He commented that the campaign bought bookends during news casts; a bookend is a 15 second spot that is the first and last advertisement during the same commercial segment. The 15 second spots that bookend the news commercials are more likely to be seen and are more cost effective than 30 second spots. He mentioned that after buying time with COX, they provided some prime time spots for the crawls on varying stations. Mr. Huhn noted that Spanish outreach was provided through the door hangers, as well as, television and radio advertisements.

Mr. Huhn discussed the 2016 PM-2.5 exceedances. He stated that there were exceedances of the PM-2.5 standard on January 1, 2016 and March 16, 2016. Mr. Huhn noted that the exceedance on March 16, 2016 at the Durango monitoring site also reported high concentrations on March 15th and 17th. He indicated that multiple technicians went to the site, however no source was found. The technicians reported a strong odor in the air and that a nearby mulch facility was overturning mulch. Mr. Huhn stated that the source is not confirmed, yet the activities at the mulch facility may have produced secondary formation particles that could have caused the exceedance. In addition, the following factors were present that could have contributed to the exceedance: high levels of sulfur dioxide, ammonia, and nitrates in the air; stagnant weather conditions; manufacturing activity in the area; diesel trucks that were present in the area; and fly ash being unloaded from railcars. He indicated that the Maricopa County Air Quality Department is still analyzing the March exceedance.

Mr. Huhn stated that the Maricopa County Air Quality Department is analyzing if there was any additional course of action that could have been taken for the January 1, 2016 exceedances. He noted that there was more outreach and education than had been completed in the past. Mr. Huhn discussed ideas for the No Burn Campaign next year. He mentioned focusing on alternatives to burning wood, such as utilizing gas fireplaces. Mr. Huhn indicated that the Maricopa County Air Quality Department is in the planning stages of a fireplace retrofit program that they hope to have completed by the next No Burn Campaign. Mr. Huhn asked for feedback on what alternatives can be presented and what can be done to reach more people effectively. The Maricopa County Air Quality Department is planning to begin the No Burn Campaign earlier in the year to allow for advanced planning.

Jamie McCullough, City of El Mirage, asked the concentration level of the exceedances on New Years Day. Mr. Huhn replied that he does not have the exact number, but it was high. He

mentioned that at times, it was the highest hourly concentrations recorded. Mr. Huhn stated that fireworks and layovers could have contributed to the high levels that were especially elevated in the early morning hours. The concentration levels were the highest right after midnight in which woodburning and fireworks would have been the likely contributors. Additionally, low wind speed was also a factor.

Ms. McCullough inquired if the exceedances could be an exceptional event. Ms. Bauer replied that the concentration levels on New Years Day included 152.1 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) at the West Phoenix monitor, 113.9 $\mu\text{g}/\text{m}^3$ at the Glendale monitor, 119.1 $\mu\text{g}/\text{m}^3$ at the Thirty-Third monitor, and 108.0 $\mu\text{g}/\text{m}^3$ at the South Phoenix monitor. The Durango monitoring site exceedance on March 16, 2016 was 39.4 $\mu\text{g}/\text{m}^3$. She stated that *The Arizona Republic* reported that the concentrations were some of the highest in the country on New Years Day. Ms. McCullough suggested sharing the concentration levels and the impacts to avoid an exceedance in the upcoming season. She commented that it is fun to have a fire on New Years Eve, however it can result in issues. Mr. Huhn replied that it is nice to have a fire during the holidays, but the issue is the air quality and health effects.

Chair Conner mentioned perhaps looking into discussing firework impacts in the messaging. Mr. Huhn responded that the issue of fireworks has been discussed. He stated that the City of Tempe reached out to the Maricopa County Air Quality Department on fireworks after the January 1, 2016 exceedance. In addition, Tempe has discussed the possibility of banning the sale of wood on No Burn Days and High Pollution Advisory Days.

Joe Giudice, City of Phoenix, asked if Maricopa County has completed their analysis on the impact of fireworks. Mr. Huhn responded that Maricopa County is still analyzing the numbers from the last two winter seasons. He indicated that preliminary data shows that fireworks have an impact on concentration levels, however specifics will need to be finalized. Mr. Giudice commented that tying the health impacts to the Campaign may reach the people that burn wood despite knowing they should not burn wood on No Burn Days. He mentioned an image of a child and their dog wearing masks could have an impact by relaying the health effects. Mr. Giudice suggested the Campaign messaging focus on why burning wood on No Burn Days has harmful health effects, as opposed to just banning wood burning on No Burn Days. Mr. Huhn replied that the No Burn Campaign has partnered with the Human Society on the health effects for pets.

Mr. Huhn mentioned a survey from Puget Sound that found that health effects ranked lower in importance than the possibility of losing freedoms, having no burn days, and fines. Mr. Huhn stated that the Maricopa County Air Quality Department will discuss having the health aspects play a larger part of the next campaign.

Mr. Carpenter suggested that perhaps Campaign messaging on the financial impacts, such as higher taxes and loss of highway funds, would resonate with the public. Mr. Huhn thanked Mr. Carpenter for his feedback.

8. Update on the PM-10 Lawsuit

Ms. Bauer provided an update on the PM-10 lawsuit. She noted that the Arizona Center for Law in the Public Interest had filed a lawsuit against EPA to challenge the approval of the MAG 2012 Five Percent Plan for PM-10. Ms. Bauer stated that on February 29, 2016 the MAG special

Washington, D.C. legal counsel indicated that the U.S. Ninth Circuit Court of Appeals is considering this case for oral argument for the week of June 13-17, 2016.

9. Call for Future Agenda Items

Chair Conner indicated that the next meeting of the Committee has been scheduled for Thursday, April 21, 2016 at 1:30 p.m. He requested suggestions for future agenda items. With no further comments, the meeting was adjourned at approximately 2:45 p.m.

May 6, 2016

TO: Members of the MAG Management Committee

FROM: Dean Giles, Air Quality Planning Program Specialist

SUBJECT: CONSULTATION ON THE DRAFT APRIL 2016 CONFORMITY ANALYSIS FOR THE
DRAFT FY 2017-2021 MAG TRANSPORTATION IMPROVEMENT PROGRAM AND
DRAFT AMENDMENT TO THE 2035 MAG REGIONAL TRANSPORTATION PLAN

In accordance with the federal Clean Air Act, the Maricopa Association of Governments is conducting consultation on the Draft April 2016 Conformity Analysis for the Draft FY 2017-2021 MAG Transportation Improvement Program (TIP) and Draft Amendment to the 2035 MAG Regional Transportation Plan (RTP) for the MAG metropolitan planning area. The conformity analysis indicates that the Draft TIP and RTP satisfy the requirements of the federal transportation conformity rule and are in conformance with applicable air quality plans. The Draft April 2016 Conformity Analysis is being transmitted for your review. The documents are available upon request and are also available on the MAG website at www.azmag.gov. Comments are requested by June 7, 2016.

The Draft April 2016 Conformity Analysis was made available for public review and comment beginning on May 5, 2016. A copy of the public hearing notice is being transmitted for your information. The minimum 30-day public comment period will be followed by a public hearing on June 7, 2016 on the Draft April 2016 Conformity Analysis, the FY 2017-2021 MAG TIP, the Amendment to the 2035 MAG Regional Transportation Plan, and the FY 2016 Transit Program of Projects. The MAG Air Quality Technical Advisory Committee may make a recommendation on the Draft April 2016 Conformity Analysis on May 26, 2016. The MAG Regional Council may take action on these documents at the June 22, 2016 meeting. If you have any questions about the Draft April 2016 Conformity Analysis, please call me at (602) 254-6300.

Attachments

cc: Intergovernmental Representatives

DRAFT APRIL 2016 CONFORMITY ANALYSIS ON THE DRAFT FY 2017-2021 MAG TRANSPORTATION IMPROVEMENT PROGRAM AND DRAFT AMENDMENT TO THE 2035 MAG REGIONAL TRANSPORTATION PLAN

The Maricopa Association of Governments is conducting consultation on the Draft April 2016 Conformity Analysis, the Draft FY 2017-2021 MAG Transportation Improvement Program (TIP), and a Draft Amendment to the 2035 MAG Regional Transportation Plan (RTP). The Draft April 2016 Conformity Analysis indicates that the Draft TIP and the Draft Amendment to the RTP satisfies the criteria specified in the federal transportation conformity rule for a conformity determination. A finding of conformity is therefore supported.

The federal conformity regulations at 40 CFR Parts 51 and 93 specify the criteria and procedures for conformity determinations for transportation plans, programs, and projects and their respective amendments. Under the federal transportation conformity rule, the principal criteria for a determination of conformity for transportation plans and programs are: (1) the TIP and Regional Transportation Plan must pass an emissions budget test with a budget that has been found to be adequate or approved by the U.S. Environmental Protection Agency (EPA) for transportation conformity purposes, or an interim emissions test; (2) the latest planning assumptions and emissions models specified for use in air quality implementation plans must be employed; (3) the TIP and Regional Transportation Plan must provide for the timely implementation of transportation control measures (TCMs) specified in the applicable air quality implementation plans; and (4) consultation.

A conformity determination for the FY 2014-2018 MAG Transportation Improvement Program and 2035 MAG Regional Transportation Plan for the Maricopa County nonattainment and maintenance areas was made by the Federal Highway Administration and Federal Transit Administration on July 9, 2015. The latest conformity determination for the FY 2014-2018 MAG Transportation Improvement Program and 2035 MAG Regional Transportation Plan for the Pinal County PM-10 and PM-2.5 nonattainment areas was made by the Federal Highway Administration and Federal Transit Administration on April 27, 2016.

The results of the regional emissions analysis for the Draft 2017-2021 MAG TIP and Draft Amendment to the 2035 RTP for the Maricopa nonattainment and maintenance areas are described below and in Table 1. The results of the regional emissions analysis for the Pinal County PM-10 and PM-2.5 nonattainment areas are described below and in Table 2. Also, on September 10, 2013, EPA advised that MAG should include in conformity analyses the budgets from submitted plans, so that an adequacy finding on a submitted budget does not interfere with the conformity process. Table 3 includes the conformity test results using the budget from the Arizona Department of Environmental Quality 2015 West Pinal Moderate PM-10 Nonattainment Area State Implementation Plan (SIP) that was submitted to EPA on December 21, 2015.

Maricopa Nonattainment and Maintenance Areas Regional Emissions Analysis

For the Maricopa nonattainment and maintenance areas, the Draft 2017-2021 MAG TIP and the Draft Amendment to the 2035 MAG Regional Transportation Plan must pass the emissions budget tests with budgets that have been found to be adequate or approved by the EPA for transportation conformity purposes. The latest MAG transportation and air quality models, including EPA's MOVES2014a, were utilized in the regional emissions analysis to assess the estimated emissions from the TIP and Amendment to the RTP.

The modeling results indicate that for each pollutant and each modeled year the regional emissions from the TIP and 2035 MAG Regional Transportation Plan are less than the motor vehicle emissions budgets for carbon monoxide (CO), eight-hour ozone precursors (volatile organic compounds and nitrogen oxides), and particulate

matter (PM-10) in the Maricopa nonattainment and maintenance areas. The regional emissions analysis was conducted for carbon monoxide and PM-10 for the years 2015, 2025, and 2035 and for the ozone precursors of volatile organic compounds and nitrogen oxides for the years 2017, 2025, and 2035.

On March 9, 2005, EPA published the final rule approving the MAG 2003 Carbon Monoxide Maintenance Plan and 2015 budget of 662.9 metric tons per day, effective April 8, 2005. The year 2015 was modeled since it is a maintenance year in the MAG 2003 Carbon Monoxide Maintenance Plan and is within the timeframe of the 2035 MAG Regional Transportation Plan. Also, on March 3, 2016, EPA published the final rule approving the MAG 2013 Carbon Monoxide Maintenance Plan and 2025 budget of 559.4 metric tons per day, effective April 4, 2016. The year 2025 was modeled since it is a maintenance year in the MAG 2013 Carbon Monoxide Maintenance Plan and an intermediate year that meets the federal conformity rule requirement that horizon years be no more than ten years apart. The analysis year 2035 was modeled because it is the last year of the RTP. For carbon monoxide, the total regional vehicle-related emissions for the analysis year 2015 is projected to be less than the approved emissions budget of 662.9 metric tons per day and the total regional vehicle-related emissions for the analysis years 2025 and 2035 are projected to be less than the 2025 budget of 559.4 metric tons per day. The applicable conformity test for carbon monoxide is therefore satisfied.

On June 13, 2012, EPA published the final rule approving the MAG 2007 Eight-Hour Ozone Plan, including the 2008 emissions budgets for volatile organic compounds (VOC) of 67.9 metric tons per day and nitrogen oxides (NOx) of 138.2 metric tons per day, effective July 13, 2012. The year 2017 is the attainment year for moderate areas under the 2008 eight-hour ozone standard and is within the timeframe of the conformity determination. Emissions for VOC and NOx are interpolated for 2017 using the 2015 and 2018 emissions derived from the latest 2015 and 2018 traffic assignments. On September 17, 2014, EPA published a final rule approving the MAG 2009 Eight-Hour Ozone Maintenance Plan, including the 2025 emissions budgets for VOC of 43.8 metric tons per day and NOx of 101.8 metric tons per day, effective October 17, 2014. The year 2025 was modeled for VOC and NOx since EPA has approved the 2025 VOC and NOx budgets. The analysis year 2035 was modeled because it is the last year of the RTP. For VOC, the total regional vehicle-related emissions for the ozone nonattainment area for analysis year 2017 is projected to be less than the approved 2008 emissions budget of 67.9 metric tons per day, and the emissions for analysis years 2025 and 2035 are projected to be less than the approved 2025 emissions budget of 43.8 metric tons per day. For NOx, the total regional vehicle-related emissions for the ozone nonattainment area for analysis year 2017 is projected to be less than the approved 2008 emissions budget of 138.2 metric tons per day, and the emissions for analysis years 2025 and 2035 are projected to be less than the approved 2025 emissions budget of 101.8 metric tons per day. The applicable conformity tests for eight-hour ozone are therefore satisfied.

On June 10, 2014, EPA published the final rule approving the MAG 2012 Five Percent Plan for PM-10 and the 2012 emissions budget of 54.9 metric tons per day, effective July 10, 2014. The years 2015 and 2025 were modeled for PM-10 since these are intermediate years that meet the federal conformity requirement that analysis years be no more than ten years apart. The analysis year 2035 was modeled because it is the last year of the RTP. For PM-10, the total vehicle-related emissions for the analysis years of 2015, 2025, and 2035 are projected to be less than the approved 2012 emissions budget of 54.9 metric tons per day. The conformity test for PM-10 is therefore satisfied. In addition, on July 25, 2002, EPA published a final rule approving the Revised MAG 1999 Serious Area PM-10 Plan, effective August 26, 2002. A comparison of the conformity test results using the 2006 budget from the Revised MAG 1999 Serious Area Particulate Plan for PM-10 indicates that the total vehicle-related emissions for 2015, 2025, and 2035 also meet this budget. On July 29, 2014, the Arizona Center for Law in the

Public Interest filed a lawsuit against EPA to challenge the approval of the MAG 2012 Five Percent Plan for PM-10. The case is still pending. Consequently, the conformity test using the budget from the approved Revised MAG 1999 Serious Area Particulate Plan is also included.

Pinal County Nonattainment Areas Regional Emissions Analysis

For the Pinal County nonattainment areas, there are no adequate or approved motor vehicle emissions budgets for conformity. Therefore, the conformity interim emissions tests were applied. In selecting analysis years, the transportation conformity rule indicates that the years must be no more than ten years apart, the first year must be no more than five years beyond the year in which the conformity determination is being made, and the last year must be aligned with the transportation plan. The last year of the Sun Corridor RTP is 2040 and the last year of the MAG RTP is 2035. Therefore, the baseline and action tests were conducted for PM-10 for the West Pinal PM-10 Nonattainment Area and for PM-2.5 and NOx for the West Central Pinal PM-2.5 Nonattainment Area for the analysis years of 2020, 2030, 2035 and 2040. For each test, the required emissions estimates were developed using the transportation and emission modeling approaches required under the federal transportation conformity rule.

The Maricopa Association of Governments and the Sun Corridor Metropolitan Planning Organization have coordinated on the inputs to the transportation model as well as consultation on the conformity analysis. Both the MAG Metropolitan Planning Area Boundary and the Sun Corridor Metropolitan Planning Area Boundary include portions of the West Pinal PM-10 Nonattainment Area and West Central Pinal PM-2.5 Nonattainment Area. Both nonattainment areas are covered by the boundaries of the two metropolitan planning organizations. Since the Sun Corridor MPO is also proposing an Amendment to the Sun Corridor MPO FY 2016-2025 TIP and RTP 2040, transportation conformity is required to be demonstrated for both nonattainment areas by both metropolitan planning organizations.

For PM-10, the projected emissions for the action scenario are not greater than the projected emissions for the baseline scenario for each of the years analyzed: 2020, 2030, 2035 and 2040. Since the PM-10 emissions predicted for the action scenarios are not greater than the PM-10 emissions predicted for the baseline scenarios, the conformity interim emission test is satisfied. It is also reasonable to expect the action emissions would not exceed the baseline emissions for the time periods between the analysis years. In addition, Table 3 includes the conformity test results using the budget from the 2015 West Pinal Moderate PM-10 Nonattainment Area SIP that was submitted to EPA on December 21, 2015. On September 10, 2013, EPA advised that MAG should include in conformity analyses the budgets from submitted plans, so that an adequacy finding on a submitted budget does not interfere with the conformity process. A comparison of the conformity test results using the 2018 budget from the 2015 West Pinal Moderate PM-10 Nonattainment Area SIP indicates that the total vehicle-related emissions for 2018, 2020, 2030, 2035, and 2040 also meet this budget.

For PM-2.5, the projected emissions for the action scenario are not greater than the projected emissions for the baseline scenario for each of the years analyzed: 2020, 2030, 2035 and 2040. Since the PM-2.5 emissions predicted for the action scenarios are not greater than the PM-2.5 emissions predicted for the baseline scenarios, the conformity interim emission test is satisfied. It is also reasonable to expect the action emissions would not exceed the baseline emissions for the time periods between the analysis years.

For NOx, the projected emissions for the action scenario are not greater than the projected emissions for the baseline scenario for each of the years analyzed: 2020, 2030, 2035 and 2040. Since the NOx emissions predicted for the action scenarios are not greater than the NOx emissions predicted for the baseline scenarios,

the conformity interim emission test is satisfied. It is also reasonable to expect the action emissions would not exceed the baseline emissions for the time periods between the analysis years.

Latest Planning Assumptions and Emissions Models

In accordance with federal conformity requirements, the latest planning assumptions and emissions models specified for use in air quality implementation plans were employed for this conformity determination. The latest planning assumptions used for this conformity determination are consistent with the January 2014 MAG Conformity Analysis for the FY 2014-2018 Transportation Improvement Program and the 2035 Regional Transportation Plan and the January 2014 Sun Corridor Metropolitan Planning Organization 2014 Conformity Analysis, with the following exceptions:

1. On October 7, 2014, EPA published a notice of availability of the MOVES2014 mobile source emissions model which began a two-year grace period that ends on October 7, 2016, after which MOVES2014 is required to be used for transportation conformity. EPA released a revised version, MOVES2014a, on November 4, 2015. The November 2015 version of MOVES2014a is used for this regional emissions analysis. MAG has also developed a MOVESLink2014 model that coordinates the TransCAD traffic assignment output with the MOVES2014a model.
2. The most recently available vehicle registration data was used in this conformity analysis. July 2015 vehicle registration data was obtained from the Arizona Department of Transportation (ADOT) for both Maricopa County and Pinal County.
3. MOVES2014a "Regulatory Class" output was used with the July 2015 vehicle registration data to estimate VMT distributions by weight-based vehicle class for each conformity traffic assignment. These vehicle weights were used to calculate the paved road PM-10 emissions in the Maricopa PM-10 Nonattainment Area for the budget analysis in 2015, 2025, and 2035 and in the Pinal PM-10 Nonattainment Area for the action and baseline scenarios in 2020, 2030 and 2040. The 2035 paved road emissions estimates were interpolated using the 2030 and 2040 values.
4. The latest transportation projects included in the Draft FY 2017-2021 MAG TIP and 2035 RTP, as well as projects in the Sun Corridor MPO FY 2016-2025 TIP and RTP 2040, were coded in the 2020, 2030, and 2040 traffic assignments used to estimate the action scenario emissions. The 2035 action scenario emissions were interpolated using the 2030 and 2040 values.

The traffic network coded in the 2020, 2030 and 2040 traffic assignments used to estimate baseline emissions for the Pinal PM-10 and PM-2.5 nonattainment areas includes regionally significant highways open to traffic, as well as transit service in operation, by December 31, 2015. In accordance with Section 93.119(h) of the EPA conformity regulations, the baseline network also includes all regionally significant projects in the Pinal PM-10 Nonattainment Area, regardless of funding source, which are currently under construction or undergoing right-of-way acquisition by April 1, 2016; are MAG TIP or Sun Corridor MPO projects coded in the 2015 traffic assignment used in the prior 2016 conformity analysis, but are no longer included in the 2015 assignment to be used in the April 2016 conformity analysis; or have completed the National Environmental Policy Act (NEPA) process. The 2035 baseline emissions estimates were interpolated using the 2030 and 2040 values.

Emission reduction credit for projects in the Draft FY 2017-2021 TIP and the 2035 Regional Transportation Plan that pave unpaved roads in the Pinal PM-10 Nonattainment Area has been assumed in this conformity analysis for the 2020, 2030, 2035 and 2040 action scenarios. In addition, emission reductions for paving projects in the Sun

Corridor MPO FY 2016-2025 TIP and Regional Transportation Plan 2040 are applied to the 2020, 2030, 2035 and 2040 action scenarios.

All analyses were conducted using the latest planning assumptions and emissions models in force at the time the conformity analysis began on April 1, 2016. A summary of the latest planning assumptions, including population, employment, and vehicle registrations data used in the regional emissions analysis, is provided in Table 4.

Timely Implementation of Transportation Control Measures

In accordance with Section 93.113, the Draft FY 2017-2021 MAG TIP and Amendment to the 2035 MAG Regional Transportation Plan continue to provide for the timely completion or implementation of the TCMs in the applicable air quality implementation plans, and no schedule difficulties have been identified. In addition, nothing in the TIP and RTP interferes with the implementation of any transportation control measures in the applicable air quality implementation plans, and priority is given to TCMs.

Consultation

In compliance with federal and state rules, MAG is required to provide reasonable opportunity for consultation with state air and transportation agencies, local agencies, U.S. Department of Transportation, Environmental Protection Agency, and other interested parties. A 30-day consultation period is being provided on the Draft April 2016 Conformity Analysis, the Draft FY 2017-2021 MAG Transportation Improvement Program, and the Draft Amendment to the 2035 MAG Regional Transportation Plan. In addition, an opportunity for public comment will be provided on these draft documents at a public hearing on June 7, 2016. Consultation is concluded by notifying the agencies and other interested parties of any approval action taken by the MAG Regional Council and any comments received during the period of consultation.

TABLE I.

CONFORMITY TEST RESULTS FOR CO, VOC, NO_x, AND PM-10 (METRIC TONS/DAY)
MARICOPA NONATTAINMENT AND MAINTENANCE AREAS

Pollutant	Carbon Monoxide		Eight-Hour Ozone				PM-10	
Year - Scenario	2015 ^a	2025 ^b	2008 ^c VOC	2008 ^c NO _x	2025 ^c VOC	2025 ^c NO _x	2012 ^d	2006 ^e
Budget Test	662.9	559.4	67.9	138.2	43.8	101.8	54.9	59.7
2015	492.1						40.2	40.2
2017			44.3	69.1				
2025		308.0			28.7	36.7	43.9	43.9
2035		195.3			16.8	22.0	48.5	48.5

- a The MAG 2003 Carbon Monoxide Maintenance Plan established a 2015 emissions budget. The onroad mobile source emissions correspond to a Friday in December episode day conditions.
- b The MAG 2013 Carbon Monoxide Maintenance Plan established a 2025 emissions budget. The onroad mobile source emissions correspond to a Friday in December episode day conditions.
- c The MAG 2007 Eight-Hour Ozone Plan established 2008 emissions budgets for volatile organic compounds (VOCs) and nitrogen oxides (NO_x). Also, the MAG 2009 Eight-Hour Ozone Maintenance Plan established 2025 emissions budgets for VOCs and NO_x. The onroad mobile source emissions correspond to a Thursday in June episode day conditions.
- d The MAG 2012 Five Percent Plan for PM-10 established a 2012 emissions budget corresponding to an average annual day.
- e The Revised MAG 1999 Serious Area Particulate Plan for PM-10 established a 2006 emissions budget corresponding to an average annual day. A comparison of the conformity test results using the budget from the EPA approved Revised MAG 1999 Serious Area Particulate Plan for PM-10 is also provided. On July 29, 2014, the Arizona Center for Law in the Public Interest filed a lawsuit against EPA to challenge the EPA approval of the MAG 2012 Five Percent Plan for PM-10. The case is still pending. Consequently, the conformity test using the budget from the approved Revised MAG 1999 Serious Area Particulate Plan is also included.

TABLE 2.
CONFORMITY INTERIM EMISSION (ACTION/BASELINE) TEST RESULTS
(KILOGRAMS/DAY)
PINAL COUNTY PM NONATTAINMENT AREAS

	PM-10 Nonattainment Area	PM-2.5 Nonattainment Area	
Pollutant	PM-10	PM-2.5	NOx
2020			
- Action	112,019	25	1,040
- Baseline	113,972	26	1,095
2030			
- Action	124,159	19	824
- Baseline	126,231	23	1,042
2035			
- Action	131,205	23	900
- Baseline	133,278	27	1,286
2040			
- Action	138,907	27	977
- Baseline	140,840	31	1,529

TABLE 3.

CONFORMITY TEST RESULTS USING THE SUBMITTED BUDGET
FOR PM-10 (TONS/YEAR) FOR INFORMATIONAL PURPOSES
PINAL COUNTY NONATTAINMENT AREA

Pollutant	PM-10
Year - Scenario	2018 ^a
Budget Test ^b	27,987.1
2018	25,846.1
2020	24,622.7
2030	21,005.3
2035	24,083.1
2040	27,368.5

- a The 2015 West Pinal Moderate PM-10 Nonattainment Area State Implementation Plan (SIP), submitted to EPA by the Arizona Department of Environmental Quality (ADEQ) on December 21, 2015, establishes a 2018 conformity emissions budget of 27,987.1 tons per year. On September 10, 2013, EPA advised that MAG should include in conformity analyses the budgets from submitted plans, so that an adequacy finding or approval of a submitted budget does not interfere with the conformity process.
- b The vehicle exhaust, tire wear and brake wear emissions are calculated by applying MOVES2014a to the latest versions of the 2018, 2020, 2030 and 2040 traffic assignments in the West Pinal PM-10 Nonattainment Area (NA). The 2035 exhaust, tire wear and brake wear emissions are estimated by interpolating the 2030 and 2040 values. The reentrained dust emissions from paved roads included in the 2018 conformity budget are increased by applying the growth in vehicle miles of travel (VMT) in the West Pinal PM-10 NA between 2018 and 2020, 2030, 2035 and 2040. The 2018 reentrained dust emissions from public and private unpaved roads are increased by 1.57% per year, which is the annual growth rate between 2008 and 2018 that was used to establish the public and private unpaved road emissions in the 2018 conformity budget. The road construction emissions in the 2018 budget are held constant through 2040. Emission reductions are applied in 2018, 2020, 2030, 2035 and 2040, based on the West Pinal PM-10 Nonattainment Area General Fugitive Dust Rule (FDR), included in Appendix I of the ADEQ 2015 West Pinal Moderate PM-10 NA SIP, that requires 15 miles of unpaved roads with traffic volumes greater than 150 ADT to be paved each year beginning in 2016.

TABLE 4. LATEST PLANNING ASSUMPTIONS FOR MAG CONFORMITY DETERMINATIONS

<u>Assumption</u>	<u>Source</u>	<u>MAG Models</u>	<u>Next Scheduled Update</u>
Population and Employment	Under the Governor's Executive Order 2011-04, official County projections are updated every 3 to 4 years. These official projections are used by all agencies for planning purposes. Following the release of the 2010 U.S. Census data, the Arizona Department of Administration (ADOA) prepared a new set of Maricopa County projections in December 2012. MAG developed a set of employment projections for Maricopa County that are consistent with the ADOA population projections and also prepared subcounty population and employment projections. The MAG Regional Council approved the subcounty socioeconomic projections in June 2013. In addition, Central Arizona Governments (CAG) approved the Pinal County subcounty socioeconomic projections, based on the ADOA Pinal County projections, in June 2013.	AZ-SMART (UrbanSim/OPUS)	Under the Governor's Executive Order 2011-04, official county socioeconomic projections will be developed by the Arizona Department of Administration (ADOA). It is anticipated that ADOA will complete the county level projections in 2015 and MAG will prepare subcounty socioeconomic projections for adoption by the MAG Regional Council within six months after receipt of the ADOA county level projections.
Traffic Counts	The highway models were validated in 2013 for the 2011 base year, using approximately 3,300 traffic counts collected in 2011.	TransCAD	Region-wide traffic counts are typically collected by MAG every 2-4 years, if funds are available.
Vehicle Miles of Travel	The passenger travel demand models were calibrated in 2012-2013 using data from the 2008-2009 home interview survey, 2009 Transearch data, 2010-2011 regional transit on-board survey, 2011 Truck GPS data, and 2012 Airport and ASU surveys. The recalibration effort included a complete update of the regional travel demand model based on the relevant data sets listed above. Trip generation and trip distribution were recalibrated based on the 2008-2009 National Household Travel Survey Arizona Add-On sample and 2006 - 2009 American Community Survey and Public Use Microdata Sample data sets. Mode choice was recalibrated based on the 2010 on-board survey. The truck model was recalibrated based on the new 2009 Transearch data and 2011 Truck GPS data from ATRI. Special generator sub-models were recalibrated based on 2012 regional airports and ASU travel surveys. The external travel model was recalibrated in 2011 based on the 2008 external travel study. Volume-delay functions were recalibrated in 2012-2013 based on the 2011 commercial speed data. The overall base year for the recalibrated and validated model is 2011.	TransCAD	MAG has completed a major update, development and recalibration of the regional transportation model in FY 2013. The FY 2014 Unified Planning Work Program (UPWP) includes funding for the initiation of the next series of travel surveys in calendar years 2014-2016. These surveys will form a foundation for the next round of model development and updates. Various commercial data sources will be used to maintain and incrementally update the models in between the major recalibration updates.
Speeds	The highway models were validated using 49 million traffic speed records purchased from NOKIA for calendar year 2011.	TransCAD	Travel speed studies are conducted periodically to validate the transportation models. MAG has also purchased commercial speed data for future estimation and model calibration purposes.
Vehicle Registrations	July 2015 vehicle registrations were provided by ADOT.	MOVES2014a	When newer data become available from ADOT.
Implementation Measures	Latest implementation status of commitments in prior SIPs.	N/A	Updated for every conformity analysis.

**PUBLIC HEARING ON A
DRAFT AMENDMENT TO THE 2035 MAG REGIONAL TRANSPORTATION PLAN,
DRAFT FY 2017-2021 MAG TRANSPORTATION IMPROVEMENT PROGRAM,
DRAFT FY 2016 TRANSIT PROGRAM OF PROJECTS, AND
DRAFT APRIL 2016 MAG CONFORMITY ANALYSIS**

Tuesday, June 7, 2016 at 5:00 p.m.
MAG Offices, Saguaro Room
302 North 1st Avenue, 2nd Floor
Phoenix, Arizona

The Maricopa Association of Governments (MAG) will conduct a public hearing on a Draft Amendment to the 2035 MAG Regional Transportation Plan, Draft FY 2017-2021 MAG Transportation Improvement Program, Draft FY 2016 Transit Program of Projects, and Draft April 2016 MAG Conformity Analysis. The public involvement process for developing the transportation improvement program satisfies the public participation requirements for the Transit Program of Projects. The purpose of the hearing is to receive public comments.

Four documents will be discussed, including the: (1) Draft Amendment to the 2035 MAG Regional Transportation Plan (RTP), which describes revisions to opening dates for Light Rail Transit and Tempe Streetcar projects and a new light rail station at 50th Street and Washington Street, (2) Draft FY 2017-2021 MAG Transportation Improvement Program (TIP), which identifies programmed expenditures for transportation facilities and services in the region for the upcoming five year period, (3) Draft FY 2016 Transit Program of Projects, and (4) Draft April 2016 MAG Conformity Analysis, which presents the documentation to support a finding that the new TIP and amended RTP meet transportation conformity requirements for carbon monoxide, eight-hour ozone, and PM-10 particulate matter in the Maricopa nonattainment and maintenance areas, and PM-10 and PM-2.5 in the Pinal County nonattainment areas.

The draft documents are available for review at the MAG Offices, 3rd floor, from 8:00 a.m. to 5:00 p.m, Monday through Friday and on the MAG web site at www.azmag.gov. Public comments are welcomed at the hearing, or may be submitted in writing by 5:00 p.m. June 7, 2016 to the address below. In addition, after considering comments, the MAG Regional Council may take action on the TIP, RTP, and Conformity Analysis on June 22, 2016.

Contact Person: Dean Giles, MAG, (602) 254-6300
 dgiles@azmag.gov
 302 N. 1st Ave., Ste. 300, Phoenix, AZ 85003

River within a shape bounded by the following coordinates: 33°55'05" N., 078°00'04" W.; 33°54'57" N., 078°00'04" W.; 33°54'56" N., 078°00'54" W.; 33°55'04" N., 078°00'54" W.; thence back to the point of origin (NAD 83) in Southport, North Carolina.

(c) *Regulations.* (1) In accordance with the general regulations in 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, North Carolina or her designated representatives.

(2) The operator of any vessel in the immediate vicinity of this safety zone shall:

(i) If on scene proceed as directed by any commissioned, warrant or petty officer on shore or on board a vessel that is displaying a U.S. Coast Guard Ensign.

(3) The Captain of the Port, North Carolina can be reached through the Sector North Carolina Command Duty Officer at Sector North Carolina in Wilmington, North Carolina at telephone number (910) 343-3882.

(4) The Coast Guard Representatives enforcing the safety zone can be contacted on VHF-FM marine band radio channel 13 (165.65 Mhz) and channel 16 (156.8 Mhz).

(d) *Enforcement period.* This section will be enforced on May 07, 2016, from 9:30 a.m. through 11:30 a.m., unless otherwise cancelled by the COTP.

Dated: April 19, 2016.

J.S. Dufresne,

Captain, U.S. Coast Guard, Captain of the Port North Carolina.

[FR Doc. 2016-10310 Filed 5-3-16; 8:45 am]

BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA-HQ-OAR-2015-0468; FRL-9945-17-OAR]

Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date, and Reclassification of Several Areas for the 2008 Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action on three separate and independent types of determinations for each of the 36 areas that are currently classified as "Marginal" for the 2008 ozone National Ambient Air Quality Standards

(NAAQS). First, the EPA is determining that 17 areas attained the 2008 ozone NAAQS by the applicable attainment date of July 20, 2015, based on complete, quality-assured and certified ozone monitoring data for 2012–2014. Second, the EPA is granting 1-year attainment date extensions for eight areas on the basis that the requirements for such extensions under the Clean Air Act (CAA) and the EPA's implementing regulations have been met. Third, the EPA is determining that 11 areas failed to attain the 2008 ozone NAAQS by the applicable attainment date of July 20, 2015, and thus are reclassified by operation of law as "Moderate" for the 2008 ozone NAAQS. States containing any or any portion of these new Moderate areas must submit State Implementation Plan (SIP) revisions that meet the statutory and regulatory requirements that apply to 2008 ozone nonattainment areas classified as Moderate by January 1, 2017.

DATES: This rule is effective on June 3, 2016.

ADDRESSES: The EPA has established docket number EPA-HQ-OAR-2015-0468 for this action. All documents in the docket are listed on <http://www.regulation.gov> Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Mr. Cecil (Butch) Stackhouse or Mr. H. Lynn Dail, Office of Air Quality Planning and Standards, Air Quality Policy Division, Mail Code C539-01, Research Triangle Park, NC 27711. Telephone Mr. Stackhouse at (919) 541-5208 or Mr. Dail at (919) 541-2363; or both at fax number: (919) 541-5315; email addresses: stackhouse.butch@epa.gov, or dail.lynn@epa.gov.

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I. Proposed Actions

On August 27, 2015, the EPA proposed to find that 17 Marginal areas attained the 2008 NAAQS by the applicable attainment date of July 20, 2015, based on complete, quality-assured and certified ozone monitoring data for 2012–2014. *See* 80 FR 51992. The EPA also proposed to find that eight areas met the criteria, as provided in CAA section 181(a)(5) and 40 Code of Federal Regulations (CFR) 51.1107, to qualify for a 1-year attainment date extension for the 2008 ozone NAAQS even though they did not attain the NAAQS by the applicable deadline. Finally, the EPA proposed to find that 11 areas failed to attain the 2008 ozone NAAQS by the applicable Marginal attainment date and that they did not qualify for a 1-year attainment date extension. Under CAA section 181(b)(2)(A), if the EPA determines that an area failed to attain a given NAAQS by the applicable attainment date, the area shall be reclassified to a higher classification. In the EPA's August 2015 proposal, the EPA specified those 11 areas would be reclassified to Moderate.

The reclassified areas must attain the standard as expeditiously as practicable, but in any event no later than July 20, 2018.

The EPA proposed two options for establishing a deadline for states to submit the SIP revisions required for Moderate areas once their areas are reclassified from Marginal. The first option would have required state air agencies to submit the required SIP revisions as expeditiously as practicable, but no later than the beginning of the ozone season in 2017 for each respective area. The second option would have required state air agencies to submit the required SIP revisions as expeditiously as practicable, but no later than January 1, 2017. After consideration of the comments received on these proposed options, the EPA is finalizing a due date of no later than January 1, 2017, for all Moderate area SIP requirements that apply to newly reclassified areas.

A. Determinations of Attainment

In the proposal, the EPA evaluated data from air quality monitors in the 36 areas classified as Marginal for the 2008 ozone NAAQS in order to determine each area's attainment status as of the applicable attainment date of July 20, 2015. Seventeen of the 36 nonattainment areas' monitoring sites with valid data had a design value¹ equal to or less than 0.075 parts per million (ppm) based on 2012–2014 monitoring period.² Thus, the EPA proposed to determine, in accordance with section 181(b)(2)(A) of the CAA and the EPA's implementing regulations

at 40 CFR 51.1103, that the 17 areas listed in the following Table 1 attained the standard by the applicable attainment date for Marginal areas for the 2008 ozone NAAQS.

TABLE 1—MARGINAL NONATTAINMENT AREAS THAT ATTAINED THE 2008 OZONE NAAQS BY THE JULY 20, 2015, ATTAINMENT DATE

2008 ozone NAAQS nonattainment area	2012–2014 design value (ppm)
Allentown-Bethlehem-Easton, PA	0.070
Baton Rouge, LA	0.072
Calaveras County, CA	0.071
Charlotte-Rock Hill, NC-SC ..	0.073
Chico (Butte County), CA	0.074
Cincinnati, OH-KY-IN	0.075
Columbus, OH	0.075
Dukes County, MA	0.068
Jamestown, NY	0.071
Knoxville, TN	0.067
Lancaster, PA	0.071
Memphis, TN-MS-AR	0.073
Reading, PA	0.071
San Francisco Bay Area, CA ..	0.072
Seaford, DE	0.074
Tuscan Buttes, CA	0.075
Upper Green River Basin Area, WY	0.064

B. Extensions of Marginal Area Attainment Dates

Of the 36 Marginal nonattainment areas for the 2008 ozone NAAQS, there are eight areas for which the EPA proposed to grant a 1-year attainment date extension based on determinations that these areas met the requirements for an extension under CAA section

181(a)(5), including compliance with all commitments and requirements in the applicable implementation plan and “clean” data in the year preceding the attainment year. In addition, for each of these areas, at least one state with jurisdiction over all or part of the area requested such an extension.

The EPA proposed that eight Marginal nonattainment areas for the 2008 ozone NAAQS failed to attain the NAAQS by July 20, 2015, but met the attainment date extension criteria of CAA section 181(a)(5), as interpreted in 40 CFR 51.1107. The EPA proposed to find that all implicated states were meeting the obligations and commitments of their applicable implementation plans, in accordance with CAA section 181(a)(5)(A), and that, per CAA section 181(a)(5)(B) and the implementing regulations, the 4th highest daily maximum 8-hour average concentrations for all monitors in each area were not greater than 0.075 ppm for 2014, the year preceding the attainment year (*see* 40 CFR 51.1107). The EPA, therefore, proposed to grant a 1-year extension of the applicable Marginal area attainment date from July 20, 2015, to July 20, 2016, for the nonattainment areas listed in Table 2.

TABLE 2—MARGINAL NONATTAINMENT AREAS THAT QUALIFY FOR A 1-YEAR ATTAINMENT DATE EXTENSION FOR THE 2008 OZONE NAAQS

2008 ozone NAAQS nonattainment area	2012–2014 design value (ppm)	2014 4th highest daily maximum 8-hr average (ppm)
Cleveland-Akron-Lorain, OH	0.078	0.075
Houston-Galveston-Brazoria, TX	0.080	0.072
Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE	0.077	0.074
Pittsburgh-Beaver Valley, PA	0.077	0.071
San Luis Obispo (Eastern San Luis Obispo), CA	0.076	0.073
Sheboygan County, WI	0.081	0.072
St. Louis-St. Charles-Farmington, MO-IL	0.078	0.072
Washington, DC-MD-VA	0.076	0.069

¹ Design value is a statistic that describes the air quality status of a given location relative to the level of the NAAQS. Design values for a site are the 3-year average annual fourth-highest daily maximum 8-hour average ozone concentrations.

² These determinations were based upon 3 years of complete, quality-assured and certified 2012–2014 data, in accordance with 40 CFR part 58 and recorded in EPA's Air Quality Statistics (AQS) database. Some areas attained the standard earlier

with 2011, 2012 and 2013 data and maintained the standard in 2014, *i.e.*, Knoxville, TX attained the standard with 2011–2013 ozone data and continued to attain with 2012–2014 data.

C. Determinations of Failure To Attain and Reclassification

Lastly, the EPA proposed to determine that 11 areas (listed in Table 3) failed to attain the 2008 ozone NAAQS by the applicable attainment date of July 20, 2015 and were not

eligible for a 1-year attainment date extension. For each of these areas, the 4th highest daily maximum 8-hour average for at least one monitor in each area was greater than 0.075 ppm for 2014. CAA section 181(b)(2)(A) provides that a Marginal nonattainment area shall be reclassified by operation of law upon

a determination by the EPA that such area failed to attain the relevant NAAQS by the applicable attainment date. The new classification proposed for each of these 11 areas would be the next higher classification of “Moderate” under the CAA statutory scheme.³

TABLE 3—MARGINAL NONATTAINMENT AREAS TO BE RECLASSIFIED AS MODERATE BECAUSE THEY DID NOT ATTAIN THE 2008 OZONE NAAQS BY THE JULY 20, 2015, ATTAINMENT DATE

2008 ozone NAAQS nonattainment area	2012–2014 design value (ppm)	2014 4th highest daily maximum 8-hr average (ppm)
Atlanta, GA	0.077	0.079
Chicago-Naperville, IL-IN-WI	0.081	0.076
Denver-Boulder-Greeley-Ft. Collins-Loveland, CO	0.082	0.077
Greater Connecticut, CT	0.080	0.077
Imperial County, CA	0.080	0.078
Kern County (Eastern Kern), CA	0.084	0.089
Mariposa County, CA	0.078	0.077
Nevada County (Western part), CA	0.079	0.082
New York-N. New Jersey-Long Island, NY-NJ-CT	0.085	0.081
Phoenix-Mesa, AZ	0.080	0.080
San Diego County, CA	0.079	0.079

D. Moderate Area SIP Revision Submission Deadline

The EPA also proposed to apply the Administrator’s discretion, per CAA section 182(i), to adjust the statutory deadlines for submitting required SIP revisions for reclassified Moderate ozone nonattainment areas. CAA section 182(i) requires that reclassified areas meet the applicable plan submission requirements “according to the schedules prescribed in connection with such requirements, except that the Administrator may adjust any applicable deadlines (other than attainment dates) to the extent such adjustment is necessary or appropriate to assure consistency among the required submissions.” Under the Moderate area plan requirements of CAA section 182(b)(1) and 40 CFR 51.1108, states with ozone nonattainment areas classified as Moderate are provided 3 years (or 36 months) from the date of designation to submit a SIP revision complying with the Moderate ozone nonattainment plan requirements. For areas designated nonattainment for the 2008 ozone NAAQS and originally classified as Moderate, that deadline was July 20, 2015, a date that has already passed. The EPA, therefore, interpreted CAA section 182(i) as providing the authority to adjust the applicable deadlines “as

necessary or appropriate to assure consistency among the required submissions” for the 11 reclassified 2008 Marginal ozone nonattainment areas. The CAA neither provides authority for the EPA to adjust the deadline to provide the full 3 years from the date of reclassification nor provides that the EPA may adjust the attainment date. In determining an appropriate deadline for the states with jurisdiction for these 11 reclassified nonattainment areas to submit their Moderate area SIP revisions, the EPA proposed two options for deadlines. The first proposed option would require that states submit the required SIP revisions as expeditiously as practicable, but no later than the beginning of the ozone season in 2017 for each state. We believed that this option would provide states additional time that may be needed to accomplish planning, administrative and SIP revision processes. Of the 11 areas proposed for reclassification to Moderate, four areas have ozone seasons that begin later than January 1 (based on ozone monitoring season changes finalized with the 2015 ozone NAAQS)⁴ and this option would provide 2 additional months past January 2017 for those four areas. The second proposed option would require states submit the SIP revisions as expeditiously as practicable, but no later than January 1, 2017. We believed that

setting a single specific submittal date would establish a consistent deadline for all 11 nonattainment areas, similar to the single uniform SIP submission deadline that would have applied to all areas if they had been initially classified as Moderate. This option would provide states with approximately 9 months after these reclassifications are finalized to develop complete SIP submissions and it is the latest SIP submittal date that would be compatible with the date by when Moderate area reasonably available control measures (RACM) and reasonably available control technology (RACT) must be in place (*i.e.*, begin no later than January 1 of the 5th year after the effective date of designation for the 2008 ozone NAAQS, which is, in this case, January 1, 2017).

E. Rescission of Clean Data Determination and Proposed SIP Call for the 1997 8-Hour Ozone NAAQS for New York-N. New Jersey-Long Island (NY-NJ-CT) Nonattainment Area

On June 18, 2012, the EPA issued a clean data determination (CDD) for the NY-NJ-CT nonattainment area, suspending the three states’ obligations to submit attainment-related planning requirements, including the obligation to submit attainment demonstrations, RACM and reasonable further progress (RFP) plans, and contingency measures, with respect to the 1997 8-hour ozone

³ The 2012–2014 design values for the 11 areas did not exceed 0.100 ppm, which is the threshold

for reclassifying an area to Serious per CAA section 181(b)(2)(A)(ii) and 40 CFR 51.1103.

⁴ See Table D–3 of appendix D to 40 CFR part 58.

standard. On May 15, 2014 (79 FR 27830), the EPA proposed to rescind the CDD for the area based on the fact that the area was no longer attaining the 1997 8-hour ozone standard, and the EPA proposed a SIP Call for submittal of a new ozone attainment demonstration for the NY-NJ-CT area for the 1997 ozone NAAQS. As an alternative to submitting a new attainment demonstration for the 1997 ozone NAAQS, the EPA proposed to permit the relevant states to respond to the SIP Call by voluntarily requesting to be reclassified to Moderate for the 2008 ozone standard (see CAA section 181(b)(3)) and to prepare SIP revisions demonstrating how they would attain the more stringent 2008 standard as expeditiously as practicable, but no later than the Moderate area attainment date in 2018. The EPA explained in the May 2014 proposal that, because the 2008 standard is more stringent than the 1997 standard, the area would necessarily attain the 1997 standard once the area adopted a control strategy designed to achieve the tighter standard. Moreover, where state planning resources were constrained, those resources were better used focused on attaining the more stringent standard.

In the agency's August 27, 2015, proposal regarding determinations of attainment of the 2008 Marginal ozone

areas, the EPA discussed how its proposed actions affected the May 2014 proposed options for responding to a SIP Call for the 1997 8-hour ozone NAAQS. Specifically, the proposed option to permit the relevant states to respond to the final SIP Call by requesting reclassification to Moderate for the 2008 ozone standard [see CAA section 181(b)(3)] would consequently require that the states submit SIPs demonstrating how they would attain the more stringent 2008 standard as expeditiously as practicable. We explicitly noted in the August 2015 proposal that, if we were to finalize the determination that the NY-NJ-CT area failed to attain the 2008 ozone NAAQS by the Marginal area attainment date, the area would be reclassified by operation of law, and thus effectively eliminating the need for the three states to voluntarily request reclassification. The area would then be subject to Moderate nonattainment area planning requirements, and the subsequent submission of Moderate area attainment plans for the 2008 ozone standard would necessarily satisfy a final SIP Call for the NY-NJ-CT area on the 1997 ozone standard, because an approvable plan would demonstrate attainment of a more stringent NAAQS. We also noted that either of the proposed 2008 ozone attainment plan due dates would meet

the statutory timeframe for the SIP revision due subsequent to a SIP Call for the 1997 ozone NAAQS for the area.

II. Final Actions

The publication of the EPA's proposed rule on August 27, 2015, (80 FR 51992) started a public comment period that ended on September 28, 2015.⁵ The comments received during this period may be found in the electronic docket for this action. A majority of commenters supported the EPA's actions as proposed to determine that certain areas attained the 2008 ozone NAAQS by the applicable attainment date, to provide 1-year attainment date extensions to the identified areas, and to reclassify to Moderate the non-attaining areas that do not qualify for an attainment date extension. Additional significant comments pertinent to each proposed action are addressed in the following appropriate sections. Included in the docket for this action is a full summary of significant comments received on the EPA's proposal and our responses to those comments. To access comments and the Response to Comment document, please go to <http://www.regulations.gov> and search for Docket No. EPA-HQ-OAR-2015-0468, or contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

TABLE 4—2008 OZONE MARGINAL NONATTAINMENT AREA FINAL ACTION SUMMARY

Nonattainment area	Determination of attainment by the attainment date	Determination of failure to attain by the attainment date	Extension of the marginal area attainment date to July 20, 2016
Allentown-Bethlehem-Easton, PA	X		
Atlanta, GA		X	
Baton Rouge, LA	X		
Calaveras County, CA	X		
Charlotte-Rock Hill, NC-SC ^a	X		
Chicago-Naperville, IL-IN-WI		X	
Chico (Butte County), CA	X		
Cincinnati, OH-KY-IN	X		
Cleveland-Akron-Lorain, OH			X
Columbus, OH	X		
Denver-Boulder-Greeley-Ft. Collins-Loveland, CO		X	
Dukes County, MA	X		
Greater Connecticut, CT		X	
Houston-Galveston-Brazoria, TX			X
Imperial County, CA		X	
Jamestown, NY	X		
Kern County (Eastern Kern), CA		X	
Knoxville, TN ^b	X		
Lancaster, PA	X		
Mariposa County, CA		X	
Memphis, TN-MS-AR ^c	X		
Nevada County (Western part), CA		X	
New York, N. New Jersey-Long Island, NY-NJ-CT		X	
Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE			X

⁵ The EPA offered to hold a public hearing on the proposed actions, but no one requested such a hearing.

TABLE 4—2008 OZONE MARGINAL NONATTAINMENT AREA FINAL ACTION SUMMARY—Continued

Nonattainment area	Determination of attainment by the attainment date	Determination of failure to attain by the attainment date	Extension of the marginal area attainment date to July 20, 2016
Phoenix-Mesa, AZ .....	.....	X	.....
Pittsburgh-Beaver Valley, PA .....	.....	.....	X
Reading, PA	X	.....	.....
San Diego County, CA .....	.....	X	.....
San Francisco Bay Area, CA	X	.....	.....
San Luis Obispo (Eastern San Luis Obispo), CA .....	.....	.....	X
Seaford, DE	X	.....	.....
Sheboygan County, WI .....	.....	.....	X
St. Louis-St. Charles-Farmington, MO-IL .....	.....	.....	X
Tuscan Buttes, CA	X	.....	.....
Upper Green River Basin Area, WY	X	.....	.....
Washington, DC-MD-VA .....	.....	.....	X

^aOn July 28, 2015, the EPA redesignated to attainment the North Carolina portion of the Charlotte-Rock Hill, NC-SC, nonattainment area for the 2008 8-hour ozone NAAQS, effective August 27, 2015. See 80 FR 44873. On December 11, 2015, the EPA redesignated to attainment the South Carolina portion of the Charlotte-Rock Hill, NC-SC, nonattainment area for the 2008 8-hour ozone NAAQS, effective January 11, 2016. See 80 FR 76865. The EPA is herein determining that this area attained the 2008 ozone NAAQS by the applicable attainment date in order to satisfy the agency's obligation under CAA section 181(b)(2)(A).

^bOn July 13, 2015, the EPA redesignated to attainment the Knoxville, TN, nonattainment area for the 2008 8-hour ozone NAAQS, effective August 12, 2015. See 80 FR 39970. Given that this area was still designated nonattainment as of July 20, 2015, the EPA is herein determining that this area attained the 2008 ozone NAAQS by the applicable attainment date in order to satisfy the agency's obligation under CAA section 181(b)(2)(A).

^cOn February 10, 2016, the EPA proposed to redesignate to attainment the Arkansas portion of the Memphis, TN-MS-AR, nonattainment area for the 2008 8-hour ozone NAAQS. See 81 FR 7046. On February 11, 2016, the EPA proposed to redesignate to attainment the Mississippi portion of the Memphis, TN-MS-AR, nonattainment area for the 2008 8-hour ozone NAAQS. See 81 FR 7269.

A. Determinations of Attainment

Pursuant to section 181(b)(2)(A) of the CAA and 40 CFR 51.1103, the EPA is making a final determination that the 17 Marginal nonattainment areas listed in Table 1 attained the 2008 ozone NAAQS by the applicable attainment date of July 20, 2105. We received no adverse comments on this proposal.

Once effective, this action satisfies the EPA's obligation pursuant to CAA section 181(b)(2)(A) to determine, based on an area's air quality as of the attainment date, whether the area attained the standard by that date. The effect of a final determination of attainment by the area's attainment date is to discharge the EPA's obligation under CAA section 181(b)(2)(A), and to establish that, in accordance with CAA section 181(b)(2)(A), the areas will not be reclassified for failure to attain by the applicable attainment date. These determinations of attainment do not constitute a redesignation to attainment. Redesignations require states to meet a number of additional statutory criteria, including the EPA approval of a state plan demonstrating maintenance of the air quality standard for 10 years after redesignation. As for all NAAQS, the EPA is committed to working with states that choose to submit redesignation requests for the 2008 ozone NAAQS.

B. Extensions of Marginal Area Attainment Dates

Pursuant to CAA section 181(a)(5), the EPA is making a final determination to grant 1-year attainment date extensions of the applicable attainment date from July 20, 2015, to July 20, 2016, for the 8 Marginal nonattainment areas listed in Table 2. The EPA received a number of comments on its proposal to extend the Marginal area attainment dates for the areas listed in Table 2. We summarize and respond to some of the key comments. The docket for this action contains a more detailed Response to Comment document.

Comment: One commenter claimed that the EPA's proposed 1-year extension of the attainment date for the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE area is unlawful and arbitrary because the state of Delaware did not request an extension of the attainment date. The commenter argued that granting an attainment date extension to a multi-state area when all states have not requested the extension is inconsistent with the EPA's failure to grant the state of New York's most recent voluntary reclassification request with regard to the 1997 8-hour ozone NAAQS.⁶ The commenter stated that there, the EPA refused to grant New York's request because the agency's

position was that voluntarily reclassifying the area required all states with jurisdiction over the multi-state area to request the reclassification. The commenter noted that in that case the EPA interpreted CAA section 182(j)(1) "to require coordination and unanimity among the affected states," and the commenter stated that the provision "seemingly has equal bearing" on a request to extend the attainment date.

Response: The EPA disagrees with the commenter that a request for voluntary reclassification under CAA section 181(b)(3) and a request for an extension of the attainment date under CAA section 181(a)(5) both require "unanimity" among the affected states. The EPA also does not agree that granting an extension of the attainment date to all states with jurisdiction over the Philadelphia multi-state nonattainment area is inconsistent with its prior reading of CAA section 182(j)(1).

The statutory provisions governing voluntary reclassifications and requests for 1-year attainment date extensions differ in key respects regarding the question of whether all states in a nonattainment area need to request the action before the EPA may grant such requests. CAA section 181(b)(3), which governs voluntary reclassifications, states that "the Administrator shall grant the request of any State to reclassify a nonattainment area *in that State* [in accordance with the area's

⁶ Letter from Joseph J. Martens, Commissioner, New York Department of Environmental Conservation, addressed to the EPA Administrator Lisa Jackson. June 20, 2012.

design value] to a higher classification” (emphasis added). The EPA reads that provision, and specifically the words “in that state,” to mean that although any state may request a reclassification, it can only do so on behalf of its own state. The same limiting phrase does not appear in the statutory provision governing 1-year attainment date extensions. That provision, CAA section 181(a)(5), states, “Upon application by any State, the Administrator may extend for 1 additional year” the attainment date, provided that the state has complied with all requirements and commitments pertaining to the area in its applicable implementation plan and the area meets certain air quality criteria. Because the statute grants the EPA the discretion to extend an attainment date “upon application by any State” and establishes limiting conditions that can be demonstrated as satisfied by either a state or by the EPA, CAA section 181(a)(5) by its terms does not require the consent of every state within a multi-state nonattainment area. The EPA does, however, interpret that provision as requiring all states with jurisdiction over the nonattainment area to substantively meet the two statutory conditions, although we note that the provision does not specify who must make the demonstration that the conditions have been met.

Interpreting these two provisions to permit differing thresholds of state “unanimity” is particularly reasonable given the consequence of the EPA’s action in each case. In extending an attainment date, the EPA imposes no additional obligation upon any state, but rather grants areas that are close to achieving the air quality standard 1 additional year to come into compliance, provided that the states governing that area meet certain criteria. A voluntary reclassification, on the other hand, can impose significant new attainment planning and emission reduction obligations. Had Congress intended to allow one state to request a reclassification on behalf of another state, and, therefore, to impose upon another state, without that state’s consent, all of the resource-intensive consequences potentially associated with that action, it could have clearly stated so.

The EPA further disagrees with the commenter that its prior interpretation of CAA section 182(j)(1)—requiring all states in a multi-state ozone nonattainment area to agree to a voluntary reclassification—is inconsistent with *not* requiring such consensus in the case of an attainment date extension. CAA section 182(j)(1)(A) directs states to “take all reasonable

steps to coordinate, substantively and procedurally, the revisions and implementation of [SIPs] applicable to the nonattainment area concerned.” This provision on its face does not apply to an attainment date extension under CAA section 181(a)(5). Extending the attainment date by 1 year does not change an area’s SIP submission requirements. Therefore, CAA section 182(j)(1)(A)’s directive to states governing a multi-state area to coordinate SIP submissions plainly does not have bearing on a provision that does not alter or affect SIP submissions. By contrast, as the EPA has stated, the coordination required by CAA section 182(j)(1)(A) is relevant to a voluntary reclassification, which establishes upon the states with jurisdiction over the nonattainment area new obligations to prepare and submit revisions to SIPs.

Comment: One commenter stated that the states of Delaware and New Jersey did not make any claim or demonstration that they have complied with all requirements and commitments in the SIP, and, therefore, granting an extension to the multi-state area is not warranted. The commenter alleged that the EPA implied that an analysis of Delaware’s compliance with the CAA section 181(a)(5)(A) criteria was conducted but that the EPA failed to provide any evidence or showing that Delaware did in fact comply with all requirements and commitments in the applicable implementation plan pertaining to the Philadelphia nonattainment area.

Response: Given the state and federal partnership in implementing the CAA, it is not unreasonable for the EPA to interpret CAA section 181(a)(5)(A), in the absence of a state submitting a certification of compliance, for the EPA to exercise discretion and conduct an independent review of the applicable SIP in order to, in this case, determine whether Delaware and New Jersey are in compliance with the requirements and commitments of the federally-approved SIP. CAA section 302(q) defines “applicable implementation plan” as the portion (or portions) of the implementation plan, or most recent revision thereof, which has been approved under CAA section 110, or promulgated under CAA section 110(c), or promulgated or approved pursuant to regulations promulgated under CAA section 201(d) and which implements the relevant requirements of the CAA. The Act does not specify what type of review is required in order for the states or the EPA to demonstrate that the condition under CAA section 181(a)(5)(A) has been met; therefore, the EPA reasonably interprets the condition

to require a review of the relevant, applicable approved implementation plan provisions, and an application of its own knowledge and expertise with regard to whether the state is meeting those obligations, including a review of whether the agency or outside parties has identified state noncompliance with the obligations. Therefore, in proposing to grant a 1-year extension of the attainment date for the Philadelphia area, and in conjunction with EPA Headquarters, the EPA Regional Offices, which have particular expertise and knowledge of the contents and implementation of SIPs, conducted reviews of whether Delaware and New Jersey are in compliance with their applicable implementation plans.

The EPA reviewed New Jersey’s applicable ozone implementation plan found at 40 CFR 52.1570 and the most recent actions related to New Jersey’s applicable ozone implementation plan, which include the following EPA approvals: 74 FR 22837—“Approval and Promulgation of Implementation Plans, New Jersey Reasonable Further Progress Plans, Reasonable Available Control Technology, Reasonably Available Control Measures and Conformity Budgets”; 75 FR 45483—“Approval and Promulgation of Implementation Plans; Implementation Plan Revision; State of New Jersey”; and 75 FR 80340—“Approval and Promulgation of Implementation Plans; New Jersey; 8-hour Ozone Control Measure.” Since the adoption of these measures, New Jersey has also amended its SIP to adopt and implement additional emission reductions as part of its SIPs to reduce regional haze and to meet the NAAQS for fine particles. The EPA has reviewed the contents of New Jersey’s applicable SIPs and notes that there are no pending enforcement actions by the EPA or outside parties alleging that New Jersey has failed to implement its applicable plan.

Similarly, the EPA reviewed Delaware’s applicable ozone implementation plan found at 40 CFR 52.420. In our August 2015 proposal, we noted a recent proposal to disapprove a revision to Delaware’s New Source Review (NSR) preconstruction permitting program regulation, *see* 80 FR 30015 (May 26, 2015). Despite this proposed disapproval of a SIP revision, we did not believe this proposal to disapprove a SIP revision was a bar to the EPA granting a 1-year attainment date extension for the Philadelphia area because there is an underlying approved nonattainment NSR SIP. The EPA has examined its own internal database of the notices required under 40 CFR 51.161(a), (b) and (d) (relating to a

notice providing for public and the EPA comment on permit applications) and information posted by the state of Delaware. For the period after September 11, 2013 (the date on which Delaware's newly expanded offset area provisions under state law were effective), the EPA has identified no permits which triggered the requirement for lowest achievable emission rate (LAER) and offsets under Delaware's Regulation 1125 relating to ozone precursors of volatile organic compounds and nitrogen oxides (NO_x). The EPA found that Delaware had undertaken a number of permitting actions since September 11, 2013, but none of these were subject to sections 2.5.5 and 2.5.6 of Delaware's Regulation 1125. The EPA also did not find any incidences of enforcement actions by the agency or outside parties alleging that Delaware is not meeting its SIP obligations.

Moreover, the commenter has not presented any evidence or made any demonstration that suggests either New Jersey or Delaware is not in compliance with their applicable SIP and is, thus, unqualified to receive an attainment date extension. Based on its review of the states' applicable implementation plans and its knowledge and expertise of state actions with regard to those plans, the EPA is making a final determination that both New Jersey and Delaware are meeting the conditional requirement of CAA section 181(a)(5)(A).

Comment: One commenter requested that the EPA deny Wisconsin's request for a 1-year extension to their attainment year for the Sheboygan County Marginal ozone nonattainment area. The commenter argued that 2015 preliminary air quality monitoring data for the Sheboygan area indicates that the area will not attain the standard in 2016, and, moreover, that the data also will not support a second 1-year extension of the attainment date for the Sheboygan area. The commenter maintained that even if a state meets the two conditions provided in CAA section 181(a)(5), the EPA retains the discretion to deny a request for a 1-year extension, and the commenter urged that the EPA should exercise its discretion in this case. In support, the commenter provided a citation to a 1994 EPA memo (Berry Memorandum)⁷ that cautions states to consider whether an attainment date extension will ultimately be helpful if the area is not likely to attain the

NAAQS by the extended attainment date. The commenter further pointed out that Wisconsin has an "inflexible and lengthy process for rulemaking," which could further hinder the state's ability to meet the attainment date in the future, if the state delays planning and implementing additional control measures now. The commenter also pointed out that the Sheboygan area has not made considerable progress towards attaining the standard, and that the area backslid into nonattainment for the 1997 8-hour ozone NAAQS in 2012 and 2013. The commenter suggested that, rather than granting a 1-year extension of the attainment date, the EPA should determine that the Sheboygan area failed to meet its Marginal area attainment date of July 20, 2015, and, therefore, the EPA should reclassify the area to Moderate, which will allow the state of Wisconsin adequate time to achieve emissions reductions to meet the new attainment date for a Moderate area.

Response: CAA section 181(a)(5) of the CAA, as interpreted by the EPA in 40 CFR 51.1107, authorizes the EPA to grant a 1-year attainment date extension upon application by a state if: (1) The state has complied with all requirements and commitments in the applicable SIP, and (2) all monitors in the area have a fourth highest daily maximum 8-hour average of 0.075 ppm or less for the last full year of air quality data prior to the attainment date (*i.e.*, 2014 for an attainment date of July 20, 2015). Here, Wisconsin has clearly met both of the conditions for the Sheboygan area. Wisconsin submitted a request to the EPA for a 1-year extension of the attainment date for the Sheboygan area, certifying that Wisconsin had complied with all requirements and commitments pertaining to the area in the applicable implementation plan and that all monitors in the area have a fourth highest daily maximum 8-hour average of 0.075 ppm or less for 2014, the most recent complete year of quality-assured and certified data preceding the July 20, 2015, attainment date.⁸ The EPA has also evaluated the quality-assured and certified air quality monitoring data for 2014 and determined that Sheboygan met the air quality requirements of CAA section 181(a)(5)(B) and 40 CFR

51.1107. Although the EPA agrees with the commenter that the Administrator retains the discretion to deny a state's request for an attainment date extension even if the state has met both criteria in CAA section 181(a)(5), the agency is declining to exercise that discretion here. The commenter relies primarily upon preliminary air quality data for 2015 that has not been quality assured and certified to contend that the Administrator should deny Wisconsin's request here.⁹ Given that the state meets the extension criteria, the Administrator is disinclined to deny the state's request based on preliminary data. Moreover, the citation from the Berry Memorandum that the commenter relies upon is directed at cautioning states, in deciding whether to request an extension, to consider whether a 1-year attainment date extension will be helpful in achieving the NAAQS and is not directed at the Administrator's decision to grant or deny such request. The EPA does, however, agree with the commenter that, given the air quality trends and data presented by the commenter, it would be prudent for the state to begin preparing for the possibility that the area may not attain by the July 20, 2016, attainment date, and also may fail to meet the requirements to get an additional 1-year attainment date extension. However, the agency does not believe that those possibilities are reason enough to deny the state's request for this first 1-year attainment date extension, given that Wisconsin has met the two statutory criteria. Therefore, the EPA declines to grant the commenter's request to find that the area failed to attain by July 20, 2015, and to subsequently reclassify the area accordingly. The Sheboygan nonattainment area will remain classified as Marginal for the 2008 ozone NAAQS until the EPA (1) determines, based on quality assured and certified air quality data for 2013–2015, that the area did not attain the 2008 ozone NAAQS by July 20, 2016, and does not qualify for an additional 1-year extension¹⁰ and (2) reclassifies the area based on this determination. We expect Wisconsin to be taking the necessary steps to achieve timely attainment and will continue to work with the state toward that end.

⁹ These data are subject to the EPA's data certification requirements of 40 CFR 58.15, which require a state to submit its annual data certification letter by May 1.

¹⁰ The area will qualify for a second 1-year extension if, and only if, the average of annual fourth-high daily maximum 8-hour ozone concentrations for 2014 and 2015 is at or below 0.075 ppm at all monitors in Sheboygan County.

⁷ See memorandum signed by D. Kent Berry, Acting Director, Air Quality Management Division, "Procedures for Processing Bump Ups and Extension Requests for Marginal Ozone Nonattainment Areas." U.S. EPA, February 3, 1994.

⁸ See letter signed by Bart Sponseller, Deputy Division Administrator, Air, Waste and Remediation & Redevelopment Division, Wisconsin Department of Natural Resources addressed to Ms. Susan Hedman, Regional Administrator, U.S. EPA Region 5. RE: Request for 1-year extension to the attainment date for the Sheboygan, WI nonattainment area, May 12, 2015. Docket EPA–HQ–OAR–2015–0468–0022 at <http://www.regulations.gov>.

Comment: One commenter maintained that, in evaluating whether a state is in compliance with all requirements and commitments pertaining to an area pursuant to CAA section 181(a)(5)(A), the EPA may not rely on a letter from the state certifying that the state is meeting this requirement. The commenter argued that there must be a factual and rational basis for the agency to grant 1-year extensions and that assertions by the states that they are in compliance with all requirements and commitments does not provide a factual or rational basis when there is no evidence that the assertion was based on a systematic review of compliance or noncompliance.

Response: The EPA disagrees with the commenter's assertion. CAA section 181(a)(5) does not specify who must make the demonstration as to whether a state is complying with all requirements and commitments to the area in the applicable implementation plan. Nothing in the provision explicitly prohibits the EPA from relying on certified statements from state officials that the requirement of CAA section 181(a)(5)(A) has been met, and nothing in the provision supports the commenter's suggestion that the EPA is independently required to perform a "systematic review of compliance or noncompliance" of the state's SIP regardless of whether a state official has made a certified statement to that effect in order to grant an attainment date extension. Given the state and federal partnership in implementing the CAA, it is not unreasonable for the EPA to interpret CAA section 181(a)(5)(A) as permitting the agency to rely upon the certified statements of its state counterparts, and the EPA has long interpreted the provision to be satisfied by such statements.¹¹ In practice, in conjunction with a request for an extension, a state air agency's Executive Officer, or other senior individual with equivalent responsibilities, signs and affirms that their state is complying with their applicable federally-approved SIP. The commenter argues that the certifications lack rational or factual bases, but has not presented any evidence or made any demonstration that suggests any of the states receiving an attainment date extension are not in compliance with their SIPs. Absent such a showing, the EPA is disinclined to invalidate the certifications made by the states.

¹¹ See Berry Memorandum.

C. Determinations of Failure To Attain and Reclassification

Pursuant to CAA section 181(b)(2), the EPA is finalizing its proposed determinations that the 11 Marginal nonattainment areas listed in Table 3 have failed to attain the 2008 ozone NAAQS by the applicable attainment date of July 20, 2015. Therefore, upon the effective date of this rule, these 11 Marginal 2008 ozone nonattainment areas will be reclassified by operation of law to Moderate for the 2008 ozone standard. The EPA received a number of adverse comments on its proposal to find that certain Marginal nonattainment areas failed to attain and to reclassify those areas. We summarize and respond to some of the key comments later. The docket for this action contains a more detailed Response to Comments document.

Comment: A number of commenters, while conceding that air quality monitoring data factually required the EPA to determine that an area failed to attain by its attainment date, alleged that certain nonattainment areas' failure to attain by the Marginal area attainment date was due in large part to the influence of transported emissions from upwind states. These commenters alleged that the EPA has not done enough to enforce CAA section 110(a)(2)(D), which requires states to eliminate emissions that significantly contribute to, or interfere with maintenance of the NAAQS in other states. One commenter further noted that the EPA's current strategy with regard to ozone transport addresses only the revoked 85 parts per billion (ppb) standard, and that the EPA has no strategy to reduce transport after 2017.

Response: The agency's mandatory duty to make determinations of attainment or failure to attain the NAAQS exists regardless of the nature or effect of transported emissions on monitored air quality data in a given nonattainment area.¹² Nonetheless, the EPA readily acknowledges the role interstate transport of precursors to ozone pollution plays in the efforts of downwind areas to attain and maintain the NAAQS. To that end, as commenters have alluded to, the agency has taken a number of steps to fulfill its statutory obligation to enforce CAA section 110(a)(2)(D), or the "good neighbor" provision, including the NO_x SIP Call, the Clean Air Interstate Rule, and the Cross-State Air Pollution Rule (CSAPR).

¹² See *Sierra Club v. EPA*, 294 F.3d 155, 160–62 (D.C. Cir. 2002) (holding that the EPA is not permitted to relax mandatory statutory requirements for downwind areas on the basis of interstate transport).

most recently, the EPA has proposed to update CSAPR specifically to address the 2008 ozone NAAQS with tightened NO_x budgets designed to achieve emission reductions in upwind states before the Moderate area attainment date of July 2018.

D. Moderate Area SIP Revision Submission Deadline

The EPA received a number of comments on its two proposed options for establishing the Moderate area SIP due date that would apply to areas newly reclassified under this final action. After full consideration of those comments and pursuant to CAA section 182(i), the EPA is finalizing that SIP revisions required for the newly reclassified Moderate areas must be submitted as expeditiously as practicable, but no later than January 1, 2017. The EPA acknowledges that for some states with Moderate nonattainment areas reclassified from Marginal, meeting this SIP submittal deadline may be challenging. The EPA is committed to working closely with these states to help them prepare their SIP revisions in a timely manner.

We summarize and provide responses to the most significant comments on this issue later; however, all comments received on the proposed options and the EPA's responses are available in the Response to Comment document located in the docket for this final rule.

Comment: One commenter contended that the EPA failed to provide a legal basis for extending the SIP submittal deadlines for Moderate nonattainment areas. The commenter believed that the EPA made no claim that the 2017 SIP submittal deadlines are necessary or appropriate to assure consistency among the required submissions. The commenter also believed that the EPA's proposed extension would interfere with the attainment date and contravene CAA section 110(l). The commenter pointed out that if the EPA finalized the SIP submission deadline to coincide with the area's beginning of the ozone monitoring season, the consequence would be that the EPA would have less than 18 months to take action on state SIP submittals, as late as July 2018, which is very near the attainment date. The commenter believed that would be far too late for the EPA to require timely corrections of SIPs that fail to satisfy the requirements and fail to assure timely attainment.

Response: The EPA disagrees with the commenter on all aspects of these comments. First, we believe that CAA section 182(i) clearly provides the Administrator the discretion to adjust any applicable deadline for reclassified

areas (other than attainment dates) to the extent such adjustment is necessary or appropriate to assure consistency among the required submissions.

The EPA disagrees with the implication of the comment that the default assumption upon reclassification is that the EPA would not adjust the Moderate area SIP submission deadlines. The fact that Congress included CAA section 182(i) in the statute indicates that it envisioned that upon reclassification, deadlines would be adjusted by the Administrator in a reasonable fashion. This is a particularly reasonable interpretation under the facts at issue here: The attainment date for Marginal areas under the statute and regulations was July 20, 2015, and the Moderate area SIP submission date for areas initially classified as Moderate for the 2008 ozone NAAQS was also July 20, 2015. Under CAA section 181(b)(2)(A), the EPA must make determinations of attainment and necessary reclassifications within 6 months of the statutory attainment date. Therefore, under the commenter's interpretation of the CAA, upon reclassification 6 months after July 20, 2015, states would immediately be found to be in default of the obligation to submit a Moderate area plan, a deadline that had passed 6 months prior, even though that obligation did not apply until the moment of reclassification. We do not agree that Congress would have intended the draconian and absurd result of providing states initial notice of an obligation and in the same action finding them at fault for already failing to have met that obligation. Therefore, the EPA believes that it is reasonable to read CAA section 182(i) in the context of the 11 reclassified 2008 Marginal ozone areas to provide the Administrator the authority to adjust the applicable deadline for Moderate area attainment plans "as necessary or appropriate to assure consistency among the required submissions."

Moreover, failing to establish new Moderate area SIP submission deadlines for the 11 areas that we are reclassifying in this rulemaking would lead to potential inconsistency in required submissions among those areas. Under the commenter's interpretation, these areas would all have missed their deadline to submit a Moderate area plan on July 20, 2015. The commenter would, therefore, have the EPA begin issuing findings of failure to submit under CAA section 110(k), which are required by statute 6 months following the statutory deadline to submit a SIP, simultaneously with this action, that is, the EPA's determination that the areas

failed to attain and reclassification of those areas. Following the EPA's issuance of findings of failure to submit for the 11 areas, there would be no defined statutory or regulatory deadline by which to remedy the states' failures to make submittals, except the outside limit of 2 years, the deadline for EPA's obligation to implement a Federal Implementation Plan (FIP). Additionally, if the EPA had not affirmatively determined that a state had made a complete SIP submittal for an area within 18 months from the issuance of a finding of failure to submit, the offset sanction identified in CAA section 179(b)(2) would apply to the affected nonattainment area.

The EPA also disagrees with the commenter that establishing a new SIP submittal deadline for the reclassified areas is in contravention of CAA section 110(l). CAA section 110(l) requires that plan revisions must go through notice and public hearing at the state level before submission to the EPA, and that "the Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress . . . or any other applicable requirement of this chapter." In order for the EPA's proposed SIP submittal date to be in contravention of CAA section 110(l), one has to assume that the states will submit deficient SIPs and that the EPA will not take any kind of corrective action on those SIPs until after the maximum possible time period permitted under the statute to take action on such submittals (18 months) has passed. Only then could a SIP submittal date of more than 18 months prior to the attainment date be interpreted as interfering with the attainment of the NAAQS. The EPA does not believe this is a reasonable reading of CAA section 110(l) or the circumstances of these reclassifications and SIP deadline adjustments. While the EPA acknowledges that the timeline for preparation and submittal of SIPs must be compressed in order for measures to be in place to ensure areas attain by their new Moderate area attainment date, in establishing the new SIP submittal deadlines for these reclassified areas, the agency is also taking into account the time required for states to identify measures, complete the public notice and hearing process at the state level, and prepare SIP submissions.

Comment: Several commenters supported the EPA's proposed option to align the deadline for SIP revisions with the start of the respective nonattainment area's 2017 ozone season. They cited a

number of reasons this option was preferred, including that more time would be provided to states to accomplish planning, administrative and SIP revisions processes in order to meet the deadline. They also cited that this option would be consistent among states in that they would need to submit their SIP revisions by their respective ozone seasons. However, another commenter pointed out that finalizing this option would result in SIP submittal dates that would be varied among the states and, therefore, inconsistent. The same commenter also stated that setting the SIP deadline for the beginning of each area's ozone season would not be compatible with ensuring implementation of RACT by January 1, 2017, which is the deadline established in 40 CFR 51.1112(a)(3).

Response: As noted earlier, of the 11 areas being reclassified to Moderate, there are only four areas located in states with ozone seasons that begin later than January 1 that could potentially benefit from an extra 2 months to submit their SIP revisions. While the EPA recognizes the value of additional time (beyond January 1, 2017) to these states to develop an attainment demonstration, an RFP plan, and contingency measures, the EPA also recognizes the value in establishing a single due date for Moderate area SIP submissions—including RACT—that does not extend beyond the deadline for implementing such controls. Thus, the EPA is finalizing its second proposed option, which requires that states submit the required Moderate area SIP revisions as expeditiously as practicable, but no later than January 1, 2017. This approach aligns the SIP submittal deadline with the January 1, 2017, deadline for implementing RACT pursuant to 40 CFR 51.1112(a)(3), for each area, and would also ensure that SIPs requiring control measures needed for attainment, including RACM, would be submitted prior to when those controls are required to be implemented. This option also treats states consistently, in keeping with CAA section 182(i). The EPA recognizes the challenges posed by these very short deadlines and is committed to working closely with all states to help them prepare their SIP revisions, including parallel processing, in a timely manner.

E. Rescission of Clean Data Determination and Final SIP Call for the 1997 8-Hour Ozone NAAQS for the New York-N. New Jersey-Long Island (NY-NJ-CT) Nonattainment Area

This action finalizes the EPA's determination that the NY-NJ-CT nonattainment area failed to attain the

2008 standard by the Marginal area attainment date of July 20, 2015, and must be reclassified to Moderate by operation of law in accordance with CAA section 181(b)(2)(A). In addition, the EPA is also finalizing in this rulemaking the proposed rescission of its prior CDD for the NY-NJ-CT nonattainment area with regard to the 1997 8-hour ozone NAAQS, as well as the accompanying SIP Call proposed with that rescission. As noted previously, in the May 2014 proposal, the EPA proposed that one way the affected states could respond to the SIP Call would be to voluntarily request a reclassification under the 2008 ozone NAAQS and to submit a SIP that meets the Moderate area requirements for that standard.

By reclassifying the area by operation of law, this final action effectively eliminates the need for the three affected states to request reclassification under this option. However, as explained in the agency's August 27, 2015, proposal and reiterated later, the EPA believes it is appropriate for the three states involved to be able to meet their obligations under the SIP Call for the 1997 ozone NAAQS with their Moderate area SIP submittal for the 2008 ozone standard. This final action also supersedes the 18 months, which is the maximum period allowed under CAA section 110(k)(5), that EPA proposed to provide the states of New York, New Jersey and Connecticut from the effective date of a final SIP Call to develop and submit to the EPA the relevant SIPs for the 1997 or 2008 ozone NAAQS. As discussed previously, the EPA is finalizing that the required SIP revisions for these areas shall be submitted as expeditiously as practicable, but no later than January 1, 2017. We also note that this deadline meets the statutory timeframe for a SIP revision under CAA section 110(k)(5).

The EPA did not receive adverse comments on its August 27, 2015, proposal to reclassify the NY-NJ-CT nonattainment area to Moderate, nor did the EPA receive comments about its statement that submitting an attainment plan for the 2008 ozone standard would satisfy a final SIP Call on the 1997 ozone standard. We received a number of comments on the May 15, 2014, proposal (79 FR 27830) to rescind the CDD for the NY-NJ-CT 1997 8-hour ozone nonattainment area and the accompanying SIP Call for attainment plans. We summarize later some of the significant comments submitted in response to the May 15, 2014, proposal and our responses. Additionally, we have made available a more detailed summary of comments and responses in

a document titled, "*Response to Comments: Proposed Rule: Rescission of Determination of Attainment and Call for Attainment Plans for New York, New Jersey and Connecticut for the 1997 8-Hour Ozone National Ambient Air Quality Standards for the NY-NJ-CT 1997 Ozone Nonattainment Area*," which is available in the docket associated with this rulemaking.

Comment: One commenter believed that CAA section 110(k)(5) either compels or provides the EPA the authority necessary to expand the proposed SIP Call to include any state that is shown to significantly contribute to the failure of the NY-NJ-CT area to attain because these states have failed to meet their obligations under CAA section 110(a)(2)(D)(i)(I).¹³ The commenter further believed that CAA section 110(k)(5) allows the EPA to issue a SIP Call to address states' SIPs that are inadequate in mitigating transport as described in CAA sections 176A and 184. The commenter believed that the U.S. Supreme Court decision in *EPA v. EME Homer City* (134 S. Ct. 1584 (2014)), compels the EPA to immediately issue FIPs for upwind states that have failed to take all necessary steps to make it feasible for any nonattainment area significantly impacted by interstate air pollution to attain and maintain both the 1997 and 2008 8-hour ozone NAAQS. Finally, the commenter noted that the "CSAPR modeling shows that Connecticut receives no more than a 0.2 ppb total benefit from the CSAPR remedy, which is entirely inadequate given the overwhelming scope of transport."

Response: CAA section 110(a)(2)(D)(i)(I) requires states to prohibit emissions that contribute significantly to nonattainment in, or interfere with maintenance by any other state with respect to primary and secondary NAAQS. In the CSAPR promulgated on August 8, 2011 (76 FR 48207), the EPA found that emissions of sulfur dioxide and NO_x in 27 eastern, midwestern, and southern states contribute significantly to nonattainment or interfere with maintenance in one or more downwind states with respect to one or more of three air quality standards—the annual PM_{2.5} NAAQS promulgated in 1997, the 24-hour PM_{2.5} NAAQS promulgated in 2006, and, as relevant here, the ozone NAAQS promulgated in 1997.

For the 1997 ozone NAAQS specifically, twenty states are required

under CSAPR to reduce NO_x emissions during the ozone season (May through September) because they contribute to downwind states' ozone pollution. The emission reductions under CSAPR in these upwind states will improve ozone air quality in downwind states and help them attain and maintain the 1997 8-hour ozone standard.

The timing of CSAPR's implementation was initially affected by litigation over the rule. On December 30, 2011, the D.C. Circuit stayed the effectiveness of CSAPR pending resolution of judicial review. On August 21, 2012, the D.C. Circuit vacated CSAPR,¹⁴ but on April 29, 2014, the U.S. Supreme Court issued an opinion reversing the D.C. Circuit's 2012 decision and remanded the case to the D.C. Circuit.¹⁵ Following the remand, on October 23, 2014, the D.C. Circuit granted the EPA's motion to lift the CSAPR stay and toll the CSAPR compliance deadlines by 3 years. Accordingly, CSAPR Phase 1 implementation began on January 1, 2015, with Phase 2 beginning in 2017. See CSAPR interim final rule at 81 FR 13275 (March 14, 2016). Subsequently, the D.C. Circuit issued its final ruling as to CSAPR, affirming it in most respects but invalidating without vacating several of the rule's state-specific budgets, including some of the rule's Phase 2 ozone-season NO_x budgets.¹⁶ The EPA has since proposed a rulemaking to update to the CSAPR ozone-season NO_x budgets in order to address the more stringent 2008 ozone NAAQS and to respond to the D.C. Circuit's remand of the Phase 2 ozone-season NO_x budgets.¹⁷ As proposed, the CSAPR Update ozone-season NO_x budgets would be effective starting in 2017, effectively replacing CSAPR Phase 2.

The EPA disagrees with the commenter that the Supreme Court's decision in *EPA v. EME Homer City* compels the agency to issue new FIPs or to expand the scope of the proposed SIP Call to address the 1997 and 2008 8-hour ozone NAAQS. The Supreme Court did, however, confirm that the EPA properly issued the CSAPR FIPs in response to disapprovals of SIPs or findings of failure to submit SIPs implementing states' 110(a)(2)(D)(i)(I) obligations with regard to the 1997 ozone NAAQS. Those FIPs took effect and began implementation on January 1,

¹⁴ *EME Homer City Generation, L.P. v. EPA*, 696 F.3d 7, 38 (D.C. Circuit 2012).

¹⁵ *EPA v. EME Homer City Generation, L.P.*, 134 S. Ct. 1584 (2014).

¹⁶ *EME Homer City Generation, L.P. v. EPA*, 795 F.3d 118 (D.C. Circuit 2015).

¹⁷ 80 FR 75706 (December 3, 2015).

¹³ The commenter refers to states' interstate transport obligations under CAA section 110(a)(2)(D)(ii), but the EPA understands these citations to in fact refer to the good neighbor provision, which is CAA section 110(a)(2)(D)(i)(I).

2015 pursuant to the D.C. Circuit's grant of the EPA's motion requesting lifting of the stay, so we note that at the time the NY-NJ-CT area fell back into nonattainment of the 1997 standard, it did not have the benefit of CSAPR reductions. While the commenter points out that modeling conducted for the CSAPR rulemaking projected that the remedy would provide "no more than a 0.2 ppb total benefit," the same modeling also predicted that those reductions, once implemented, would fully resolve nonattainment and maintenance problems for the 1997 ozone NAAQS in the receptors identified in the NY-NJ-CT nonattainment area. For upwind states that were linked only to receptors where downwind nonattainment and maintenance problems were fully resolved under the remedy, the EPA found that CSAPR quantified the full reduction responsibility for the 1997 ozone NAAQS under CAA section 110(a)(2)(D)(i)(I).¹⁸ Therefore, the EPA could not expand the scope of the SIP Call being issued on the basis that upwind states had not fulfilled their 110(a)(2)(D)(i)(I) obligations as to the 1997 ozone NAAQS when the EPA has already issued a FIP that fully resolves the obligations of those states with respect to that standard.

The EPA also does not agree that it would be appropriate in this action to more broadly apply its 110(k)(5) authority to include additional states in this SIP Call to address interstate pollutant transport as described in sections 176A and 184 of the CAA. The EPA acknowledges that a number of states, including Connecticut and New York, submitted a petition under CAA section 176A requesting that the EPA add additional states to the Ozone Transport Region (OTR) that was established under section 184 of the CAA. The EPA is reviewing that petition separately and is not acting on that petition in this action. In addition, the EPA's authority to require SIP revisions under 110(k)(5) as they relate to additional control measures required by CAA section 184 applies to only states that are currently part of the OTR.

III. Environmental Justice Considerations

The CAA requires that states with areas designated as nonattainment submit to the Administrator the appropriate SIP revisions and implement specified control measures

by certain dates applicable to the area's classification. By requiring additional planning and implementation requirements for the 11 nonattainment areas that we determined failed to attain the 2008 ozone NAAQS standard, the part of this action reclassifying those 11 areas from Marginal to Moderate will protect all those residing, working, attending school, or otherwise present in those areas regardless of minority or economic status.

IV. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is exempt from review by the Office of Management and Budget (OMB) because it makes determinations if designated 2008 ozone nonattainment areas are either attaining or failing to attain the 2008 ozone NAAQS by the attainment date along with resulting reclassifications or determination to grant 1-year attainment date extensions.

B. Paperwork Reduction Act (PRA)

This rule does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulations and has assigned OMB control number 2060-0695. This action to find that the Marginal ozone nonattainment areas listed in Table 3 failed to attain the 2008 NAAQS by the applicable attainment date, to reclassify those areas as Moderate ozone nonattainment areas, and to adjust any applicable deadlines, does not establish any new information collection burden that has not already been identified in the existing 2008 ozone NAAQS Information Collection Request number 2347.01.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. Determinations of nonattainment and the resulting reclassification of nonattainment areas by operation of law under section 181(b)(2) of the CAA do not in and of themselves create any new requirements. Instead, this rulemaking only makes a factual determination, and does not directly regulate any entities. This action also establishes the deadline by which states will need to submit revisions to their SIPs to address the new Moderate area requirements, and

that deadline, if based on the statute, would otherwise be more stringent. In this final action, the EPA is exercising discretion under CAA section 182(i) which allows the Administrator to provide state air agencies additional time to comply with those requirements.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any state, local or tribal governments or the private sector.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. No tribal areas are implicated in the 11 areas that we are finding to have failed to meet their attainment date. The CAA and the Tribal Authority Rule establish the relationship of the federal government and tribes in developing plans to attain the NAAQS, and this rule does nothing to modify that relationship. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of "covered regulatory action" in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because this action determines that 11 areas, identified in Table 3, did not attain the 2008 ozone standard by their applicable attainment date and to reclassify these areas as Moderate ozone nonattainment areas and to adjust applicable deadlines.

¹⁸ See 76 FR 48210, Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals (August 8, 2011).

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations. The results of this evaluation are contained in the section of the preamble titled “Environmental Justice Considerations.”

K. Congressional Review Act (CRA)

This rule is exempt from the CRA because it is a rule of particular applicability that names specific entities where this rule makes factual determinations and does directly regulate any entities. The determinations of attainment and failure to attain the 2008 ozone NAAQS (and resulting reclassifications), and the determination to grant 1-year attainment date extensions do not in themselves create any new requirements beyond what is mandated by the CAA.

L. Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of final actions that are locally and regionally applicable may be filed only in the United States Court of Appeals for the appropriate circuit. However, the statute also provides that notwithstanding that general rule, “a petition for review of any action . . . may be filed only in the United States Court of Appeals for the District of Columbia if such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.” 42 U.S.C. 7607(b)(1). *See also Dalton Trucking v. EPA*, 808 F.3d 875 (D.C. Circuit 2015). Because this final action makes findings with regard to nonattainment areas across the country, interprets the CAA and applies such interpretations to states and nonattainment areas across the country, and establishes SIP deadlines for newly reclassified areas in

different states in a consistent fashion, the Administrator finds that this action has nationwide scope and effect.

Therefore, in accordance with CAA section 307(b)(1), petitions for review of this final action may be filed only in the United States Court of Appeals for the District of Columbia Circuit by July 5, 2016. Note, under CAA section 307(b)(2), the requirements established by this final rule may not be challenged separately in any civil or criminal proceedings for enforcement.

List of Subjects

40 CFR Part 52

Environmental protection, Administrative practice and procedure, Air pollution control, Designations and classifications, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Administrative practice and procedure, Air pollution control, Designations and classifications, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: April 11, 2016.

Gina McCarthy,
Administrator.

For the reasons stated in the preamble, parts 52 and 81, title 40, chapter I of the Code of Federal Regulations are amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

- 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart E—Arkansas

- 2. Add § 52.174 to read as follows:

§ 52.174 Control strategy and regulations: Ozone.

(a) The EPA has determined that the Crittenden County Marginal 2008 ozone NAAQS nonattainment area attained the NAAQS by the applicable attainment date of July 20, 2015.

(b) [Reserved]

Subpart F—California

- 3. Section 52.282 is amended by revising paragraphs (e) introductory text and (e)(1) and (2) to read as follows:

§ 52.282 Control strategy and regulations: Ozone.

* * * * *

(e) *Determinations of attainment.* Effective June 3, 2016.

(1) *Approval of applications for extensions of applicable attainment dates.* Under section 181(a)(5) of the Clean Air Act, the EPA is approving the applications submitted by the California Air Resources Board dated June 1, 2015, referencing the District’s letter of May 19, 2015, for extensions of the applicable attainment date for the San Luis Obispo (Eastern San Luis Obispo), CA 2008 8-hour ozone nonattainment areas from July 20, 2015 to July 20, 2016.

(2) *Determinations of attainment.* The EPA has determined that the Calaveras County, Chico (Butte County), San Francisco Bay Area and Tuscan Buttes 2008 8-hour ozone nonattainment areas in California have attained the 2008 8-hour ozone standard by the July 20, 2015 applicable attainment date, based upon complete quality-assured data for 2012–2014. Therefore, the EPA has met its obligation pursuant to CAA section 181(b)(2)(A) to determine, based on the area’s air quality data as of the attainment date, whether the area attained the standard. As a result of these determinations, the Calaveras County, Chico (Butte County), San Francisco Bay Area and Tuscan Buttes 2008 8-hour ozone nonattainment areas in California will not be reclassified for failure to attain by their July 20, 2015, applicable attainment date under section 181(b)(2)(A).

* * * * *

Subpart H—Connecticut

- 4. Section 52.377 is amended by adding paragraph (p) to read as follows:

§ 52.377 Control strategy: Ozone.

* * * * *

(p) *Rescission of clean data determination for the 1997 eight-hour ozone standard.* Effective June 3, 2016, the EPA is determining that complete quality-assured and certified ozone monitoring data for 2012–2014 show the NY-NJ-CT 1997 eight-hour ozone nonattainment area did not meet 1997 eight-hour ozone standard. Therefore, the EPA is rescinding the clean data determination for the 1997 eight-hour ozone standard only. The prior determination (*see* paragraph k of this section) is in accordance with 40 CFR 51.918. The prior determination suspended the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable

further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 1997 annual eight-hour ozone NAAQS. This rescission of the clean data determination will result in a SIP Call for a new ozone attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard, for this area only. If the revised plan is approved by the EPA as demonstrating reasonable further progress and attainment for the more stringent 2008 NAAQS by the Moderate area attainment date, and is approved by the EPA as containing adequate contingency measures for the 2008 NAAQS, then the plan would be deemed to have also satisfied requirements of the SIP Call associated with violations for the 1997 NAAQS.

Subpart I—Delaware

- 5. Section 52.425 is amended by adding paragraph (c) to read as follows:

§ 52.425 Determinations of attainment.

* * * * *

(c) The EPA has determined, as of June 3, 2016, that based on 2012 to 2014 ambient air quality data, the Seaford, DE 2008 ozone Marginal nonattainment area has attained the 2008 ozone NAAQS by the applicable attainment date of July 20, 2015. Therefore, the EPA has met the requirement pursuant to CAA section 181(b)(2)(A) to determine, based on the area's air quality data as of the attainment date, whether the area attained the standard. The EPA also determined that the Seaford nonattainment area will not be reclassified for failure to attain by its applicable attainment date under section 181(b)(2)(A).

Subpart P—Indiana

- 6. Section 52.777 is amended by adding paragraph (tt) to read as follows:

§ 52.777 Control strategy: photochemical oxidants (hydrocarbons).

* * * * *

(tt) *Determination of attainment.* As required by section 181(b)(2)(A) of the Clean Air Act, the EPA has determined that the Cincinnati, OH-KY-IN Marginal 2008 ozone nonattainment area has attained the 2008 ozone NAAQS by the applicable attainment date of July 20, 2015.

Subpart S—Kentucky

- 7. Section 52.930 is amended by adding paragraph (m) to read as follows:

§ 52.930 Control strategy: Ozone.

* * * * *

(m) *Determination of attainment.* The EPA has determined, as of June 3, 2016, that based on 2012 to 2014 ambient air quality data, the Cincinnati, OH-KY-IN 2008 ozone Marginal nonattainment area has attained the 2008 ozone NAAQS. Therefore, the EPA has met the requirement pursuant to CAA section 181(b)(2)(A) to determine, based on the area's air quality data as of the attainment date, whether the area attained the standard. The EPA also determined that the Cincinnati, OH-KY-IN nonattainment area will not be reclassified for failure to attain by its applicable attainment date under section 181(b)(2)(A).

Subpart T—Louisiana

- 8. Section 52.977 is amended by adding paragraph (f) to read as follows:

§ 52.977 Control strategy and regulations: Ozone.

* * * * *

(f) The EPA has determined that the Baton Rouge Marginal 2008 ozone NAAQS nonattainment area attained the NAAQS by the applicable attainment date of July 20, 2015.

Subpart W—Massachusetts

- 9. Section 52.1129 is amended by adding paragraph (k) to read as follows:

§ 52.1129 Control strategy: Ozone.

* * * * *

(k) *Determination of attainment for the eight-hour ozone standard.* Effective June 3, 2016, the EPA is determining that complete quality-assured and certified ozone monitoring data for 2012 to 2014 show the Dukes County, Massachusetts eight-hour ozone nonattainment area attained the 2008 eight-hour ozone standard by its July 20, 2015 attainment deadline. Therefore, the EPA has met the requirement pursuant to CAA section 181(b)(2)(A) to determine, based on the area's air quality data as of the attainment date, whether the area attained the standard. The EPA also determined that the Dukes County nonattainment area will not be reclassified for failure to attain by its applicable attainment date under section 181(b)(2)(A).

Subpart Z—Mississippi

- 10. Add § 52.1273 to read as follows:

§ 52.1273 Control strategy: Ozone.

(a) *Determination of attainment.* The EPA has determined, as of June 3, 2016, that based on 2012 to 2014 ambient air quality data, the Memphis, TN-MS-AR 2008 ozone Marginal nonattainment area has attained the 2008 ozone NAAQS. Therefore, the EPA has met the requirement pursuant to CAA section 181(b)(2)(A) to determine, based on the area's air quality data as of the attainment date, whether the area attained the standard. The EPA also determined that the Memphis, TN-MS-AR nonattainment area will not be reclassified for failure to attain by its applicable attainment date under section 181(b)(2)(A).

(b) [Reserved]

Subpart FF—New Jersey

§ 52.1576 [Amended]

- 11. Section 52.1576 is amended by remove paragraph (d).
 ■ 12. Section 52.1582 is amended by adding paragraph (p) to read as follows:

§ 52.1582 Control strategy and regulations: Ozone.

* * * * *

(p) *Rescission of clean data determination for the 1997 eight-hour ozone standard.* Effective June 3, 2016, the EPA is determining that complete quality-assured and certified ozone monitoring data for 2012–2014 show the New York-Northern New Jersey-Long Island, NY-NJ-CT 1997 eight-hour ozone nonattainment area did not meet 1997 eight-hour ozone standard. Therefore, the EPA is rescinding the clean data determination for the 1997 eight-hour ozone standard only. The prior determination (*see* paragraph (n)(2)) is in accordance with 40 CFR 51.918. The prior determination suspended the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 1997 annual eight-hour ozone NAAQS. This rescission of the clean data determination will result in a SIP Call for a new ozone attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard, for this area only. If the revised plan is approved by the EPA as demonstrating reasonable further progress and attainment for the more stringent 2008 NAAQS by the Moderate area

attainment date, and is approved by the EPA as containing adequate contingency measures for the 2008 NAAQS, then the plan would be deemed to have also satisfied requirements of the SIP Call associated with violations for the 1997 NAAQS.

Subpart HH—New York

■ 13. Section 52.1679 is amended by revising paragraph (b) to read as follows:

§ 52.1679 Determinations of attainment.

* * * * *

(b) *Determination of attainment.* The EPA has determined, as of June 3, 2016, that based on 2012 to 2014 ambient air quality data, the Jamestown, NY 2008 ozone Marginal nonattainment area has attained the 2008 ozone NAAQS. Therefore, the EPA has met the requirement pursuant to CAA section 181(b)(2)(A) to determine, based on the area's air quality data as of the attainment date, whether the area attained the standard. The EPA also determined that the Jamestown, NY nonattainment area will not be reclassified for failure to attain by its applicable attainment date under section 181(b)(2)(A).

■ 14. Section 52.1683 is amended by revising paragraph (f)(2)(v) and adding paragraph (n) to read as follows:

§ 52.1683 Control strategy: Ozone.

* * * * *

(f) * * *

(2) * * *

(v) Jamestown (consisting of Chautauqua County) as of June 3, 2016.

* * * * *

(n) *Rescission of clean data determination for the 1997 eight-hour ozone standard.* Effective June 3, 2016, the EPA is determining that complete quality-assured and certified ozone monitoring data for 2012 to 2014 show the New York-Northern New Jersey-Long Island, NY-NJ-CT 1997 eight-hour ozone nonattainment area did not meet the 1997 eight-hour ozone standard. Therefore, the EPA is rescinding the clean data determination for the 1997 eight-hour ozone standard only. The prior determination (see paragraph (f)(2)(viii) of this section) is in accordance with 40 CFR 51.918. The prior determination suspended the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 1997 annual eight-hour ozone NAAQS. This

rescission of the clean data determination will result in a SIP Call for a new ozone attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard, for this area only. If the revised plan is approved by the EPA as demonstrating reasonable further progress and attainment for the more stringent 2008 NAAQS by the Moderate area attainment date, and is approved by the EPA as containing adequate contingency measures for the 2008 NAAQS, then the plan would be deemed to have also satisfied requirements of the SIP Call associated with violations for the 1997 NAAQS.

Subpart II—North Carolina

■ 15. Section 52.1779 is amended by adding paragraph (c) to read as follows:

§ 52.1779 Control strategy: Ozone.

* * * * *

(c) *Determination of attainment.* The EPA has determined, as of June 3, 2016, that based on 2012 to 2014 ambient air quality data, the Charlotte-Rock Hill, NC-SC 2008 ozone Marginal nonattainment area has attained the 2008 ozone NAAQS. Therefore, the EPA has met the requirement pursuant to CAA section 181(b)(2)(A) to determine, based on the area's air quality data as of the attainment date, whether the area attained the standard. The EPA also determined that the Charlotte-Rock Hill, NC-SC nonattainment area will not be reclassified for failure to attain by its applicable attainment date under section 181(b)(2)(A).

Subpart KK—Ohio

■ 16. Section 52.1885 is amended by adding paragraph (nn) to read as follows:

§ 52.1885 Control strategy: Ozone.

* * * * *

(nn) *Determination of attainment.* As required by section 181(b)(2)(A) of the Clean Air Act, the EPA has determined that the Cincinnati, OH-KY-IN and Columbus, OH Marginal 2008 ozone nonattainment areas have attained the NAAQS by the applicable attainment date of July 20, 2015.

Subpart NN—Pennsylvania

■ 17. Section 52.2056 is amended by adding paragraphs (k), (l), and (m) to read as follows:

§ 52.2056 Determinations of attainment.

* * * * *

(k) The EPA has determined, as of June 3, 2016, that based on 2012 to 2014 ambient air quality data, the Allentown-Bethlehem-Easton, PA 2008 ozone Marginal nonattainment area has attained the 2008 8-hour ozone NAAQS by the applicable attainment date of July 20, 2015. Therefore, the EPA has met the requirement pursuant to CAA section 181(b)(2)(A) to determine, based on the area's air quality as of the attainment date, whether the area attained the 2008 8-hour ozone NAAQS. The EPA also determined that the Allentown-Bethlehem-Easton, PA marginal nonattainment area will not be reclassified for failure to attain by its applicable attainment date pursuant to section 181(b)(2)(A).

(l) The EPA has determined, as of June 3, 2016, that based on 2012 to 2014 ambient air quality data, the Lancaster, PA 2008 ozone Marginal nonattainment area has attained the 2008 8-hour ozone NAAQS by the applicable attainment date of July 20, 2015. Therefore, the EPA has met the requirement pursuant to CAA section 181(b)(2)(A) to determine, based on the area's air quality as of the attainment date, whether the area attained the 2008 8-hour ozone NAAQS. The EPA also determined that the Lancaster, PA Marginal nonattainment area will not be reclassified for failure to attain by its applicable attainment date pursuant to section 181(b)(2)(A).

(m) The EPA has determined, as of June 3, 2016, that based on 2012 to 2014 ambient air quality data, the Reading, PA 2008 ozone Marginal nonattainment area has attained the 2008 8-hour ozone NAAQS by the applicable attainment date of July 20, 2015. Therefore, the EPA has met the requirement pursuant to CAA section 181(b)(2)(A) to determine, based on the area's air quality as of the attainment date, whether the area attained the 2008 8-hour ozone NAAQS. The EPA also determined that the Reading, PA Marginal nonattainment area will not be reclassified for failure to attain by its applicable attainment date pursuant to section 181(b)(2)(A).

Subpart PP—South Carolina

■ 18. Section 52.2125 is amended by adding paragraph (c) to read as follows:

§ 52.2125 Control strategy: Ozone.

* * * * *

(c) *Determination of attainment.* The EPA has determined, as of June 3, 2016, that based on 2012 to 2014 ambient air quality data, the Charlotte-Rock Hill, NC-SC 2008 ozone Marginal nonattainment area has attained the 2008 ozone NAAQS. Therefore, the EPA has met the requirement pursuant to

CAA section 181(b)(2)(A) to determine, based on the area's air quality data as of the attainment date, whether the area attained the standard. The EPA also determined that the Charlotte-Rock Hill, NC-SC nonattainment area will not be reclassified for failure to attain by its applicable attainment date under section 181(b)(2)(A).

Subpart RR—Tennessee

■ 19. Section 52.2235 is amended by adding paragraph (d) to read as follows:

§ 52.2235 Control strategy: Ozone.

* * * * *

(d) *Determination of attainment.* The EPA has determined, as of June 3, 2016, that based on 2011 to 2013 ambient air quality data, the Knoxville, TN and Memphis, TN-MS-AR 2008 ozone Marginal nonattainment areas have attained the 2008 ozone NAAQS. Therefore, the EPA has met the requirement pursuant to CAA section 181(b)(2)(A) to determine, based on an

area's air quality data as of the attainment date, whether the areas attained the standard. The EPA also determined that the Knoxville, TN and Memphis, TN-MS-AR nonattainment areas will not be reclassified for failure to attain by their applicable attainment date under section 181(b)(2)(A).

Subpart ZZ—Wyoming

■ 20. Add § 52.2623 to read as follows:

§ 52.2623 Control strategy and regulations: Ozone.

(a) *Determination of attainment.* The EPA has determined, as of June 3, 2016, that based on 2012 to 2014 ambient air quality data, the Upper Green River Basin Area, WY 2008 ozone Marginal nonattainment area has attained the 2008 ozone NAAQS. Therefore, the EPA has met the requirement pursuant to CAA section 181(b)(2)(A) to determine, based on the area's air quality data as of the attainment date, whether the area attained the standard. The EPA also determined that the Upper Green River

Basin Area, WY nonattainment area will not be reclassified for failure to attain by its applicable attainment date under section 181(b)(2)(A).

(b) [Reserved]

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 21. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

Subpart C—Section 107 Attainment Status Designations

■ 22. Section 81.303 is amended in the table for “Arizona-2008 8-Hour Ozone NAAQS (Primary and secondary)” by revising the heading entry for “Phoenix-Mesa, AZ” and the entries for “Maricopa County (part)” to read as follows:

§ 81.303 Arizona.

* * * * *

ARIZONA—2008 8-HOUR OZONE NAAQS

[Primary and secondary]

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Phoenix-Mesa, AZ: ²		Nonattainment	6/3/16	Moderate.
Maricopa County (part)				
T1N, R1E (except that portion in Indian Country); T1N, R2E; T1N, R3E; T1N, R4E; T1N, R5E; T1N, R6E; T1N, R7E; T1N, R1W; T1N, R2W; T1N, R3W; T1N, R4W; T1N, R5W; T1N, R6W; T1N, R7W; T1N, R8W; T2N, R1E; T2N, R2E; T2N, R3E; T2N, R4E; T2N, R5E; T2N, R6E; T2N, R7E; T2N, R8E; T2N, R9E; T2N, R10E; T2N, R11E; T2N, R12E (except that portion in Gila County); T2N, R13E (except that portion in Gila County); T2N, R1W; T2N, R2W; T2N, R3W; T2N, R4W; T2N, R5W; T2N, R6W; T2N, R7W; T2N, R8W; T3N, R1E; T3N, R2E; T3N, R3E; T3N, R4E; T3N, R5E; T3N, R6E; T3N, R7E; T3N, R8E; T3N, R9E; T3N, R10E (except that portion in Gila County); T3N, R11E (except that portion in Gila County); T3N, R12E (except that portion in Gila County); T3N, R1W; T3N, R2W; T3N, R3W; T3N, R4W; T3N, R5W; T3N, R6W; T4N, R1E; T4N, R2E; T4N, R3E; T4N, R4E; T4N, R5E; T4N, R6E; T4N, R7E; T4N, R8E; T4N, R9E; T4N, R10E (except that portion in Gila County); T4N, R11E (except that portion in Gila County); T4N, R12E (except that portion in Gila County); T4N, R1W; T4N, R2W; T4N, R3W; T4N, R4W; T4N, R5W; T4N, R6W; T5N, R1E; T5N, R2E; T5N, R3E; T5N, R4E; T5N, R5E; T5N, R6E; T5N, R8E; T5N, R9E (except that portion in Gila County); T5N, R10E (except that portion in Gila County); T5N, R1W; T5N, R2W; T5N, R3W; T5N, R4W; T5N, R5W; T6N, R1E (except that portion in Yavapai County); T6N, R2E; T6N, R3E; T6N, R4E; T6N, R5E; T6N, R6E; T6N, R7E; T6N, R8E; T6N, R9E (except that portion in Gila County); T6N, R10E (except that portion in Gila County); T6N, R1W (except that portion in Yavapai County); T6N, R2W; T6N, R3W; T6N, R4W; T6N, R5W; T7N, R1E; (except that portion in Yavapai County); T7N, R2E (except that portion in Yavapai County);				

ARIZONA—2008 8-HOUR OZONE NAAQS—Continued
[Primary and secondary]

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
T7N, R3E; T7N, R4E; T7N, R5E; T7N, R6E; T7N, R7E; T7N, R8E; T7N, R9E (except that portion in Gila County); T7N, R1W (except that portion in Yavapai County); T7N, R2W (except that portion in Yavapai County); T8N, R2E (except that portion in Yavapai County); T8N, R3E (except that portion in Yavapai County); T8N, R4E (except that portion in Yavapai County); T8N, R5E (except that portion in Yavapai County); T8N, R6E (except that portion in Yavapai County); T8N, R7E (except that portion in Yavapai County); T8N, R8E (except that portion in Yavapai and Gila Counties); T8N, R9E (except that portion in Yavapai and Gila Counties); T1S, R1E (except that portion in Indian Country); T1S, R2E (except that portion in Pinal County and in Indian Country); T1S, R3E; T1S, R4E; T1S, R5E; T1S, R6E; T1S, R7E; T1S, R1W; T1S, R2W; T1S, R3W; T1S, R4W; T1S, R5W; T1S, R6W; T2S, R1E (except that portion in Indian Country); T2S, R5E; T2S, R6E; T2S, R7E; T2S, R1W; T2S, R2W; T2S, R3W; T2S, R4W; T2S, R5W; T3S, R1E; T3S, R1W; T3S, R2W; T3S, R3W; T3S, R4W; T3S, R5W; T4S, R1E; T4S, R1W; T4S, R2W; T4S, R3W; T4S, R4W; T4S, R5W; T5S, R4W (Sections 1 through 22 and 27 through 34).				
*	*	*	*	*

¹ This date is July 20, 2012, unless otherwise noted.

² Excludes Indian country located in each area, unless otherwise noted.

* * * * *

■ 23. Section 81.305 is amended in the table for “California-2008 8-Hour Ozone NAAQS (Primary and secondary)” by revising the entries for “Imperial

County, CA”, “Kern County (Eastern Kern), CA”, “Mariposa County, CA”, “Nevada County (Western part), CA”, and “San Diego County, CA”, and “San Luis Obispo (Eastern San Luis Obispo),

CA” and adding a footnote “5” to read as follows:

§ 81.305 California.

* * * * *

CALIFORNIA—2008 8-HOUR OZONE NAAQS
[Primary and secondary]

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
*	*	*	*	*
Imperial County, CA: ²	Nonattainment	6/3/16	Moderate.
Imperial County. Quechan Tribe of the Fort Yuma Indian Reservation ³ . Torres Martinez Desert Cahuilla Indians ³ .				
Kern County (Eastern Kern), CA: ²	Nonattainment	6/3/16	Moderate.
Kern County (part).				

CALIFORNIA—2008 8-HOUR OZONE NAAQS—Continued
[Primary and secondary]

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
<p>That portion of Kern County (with the exception of that portion in Hydrologic Unit Number 18090205—the Indian Wells Valley) east and south of a line described as follows: Beginning at the Kern-Los Angeles County boundary and running north and east along the northwest boundary of the Rancho La Liebre Land Grant to the point of intersection with the range line common to Range 16 West and Range 17 West, San Bernardino Base and Meridian; north along the range line to the point of intersection with the Rancho El Tejon Land Grant boundary; then southeast, northeast, and northwest along the boundary of the Rancho El Tejon Grant to the northwest corner of Section 3, Township 11 North, Range 17 West; then west 1.2 miles; then north to the Rancho El Tejon Land Grant boundary; then northwest along the Rancho El Tejon line to the southeast corner of Section 34, Township 32 South, Range 30 East, Mount Diablo Base and Meridian; then north to the northwest corner of Section 35, Township 31 South, Range 30 East; then northeast along the boundary of the Rancho El Tejon Land Grant to the southwest corner of Section 18, Township 31 South, Range 31 East; then east to the southeast corner of Section 13, Township 31 South, Range 31 East; then north along the range line common to Range 31 East and Range 32 East, Mount Diablo Base and Meridian, to the northwest corner of Section 6, Township 29 South, Range 32 East; then east to the southwest corner of Section 31, Township 28 South, Range 32 East; then north along the range line common to Range 31 East and Range 32 East to the northwest corner of Section 6, Township 28 South, Range 32 East, then west to the southeast corner of Section 36, Township 27 South, Range 31 East, then north along the range line common to Range 31 East and Range 32 East to the Kern-Tulare County boundary.</p>				
<p style="text-align: center;">* * * * *</p>				
Mariposa County, CA: ² Mariposa County	Nonattainment	6/3/16	Moderate.
Nevada County (Western part), CA: ²	Nonattainment	6/3/16	Moderate.
<p>Nevada County (part).</p> <p>That portion of Nevada County, which lies west of a line, described as follows: Beginning at the Nevada-Placer County boundary and running north along the western boundaries of Sections 24, 13, 12, 1, Township 17 North, Range 14 East, Mount Diablo Base and Meridian, and Sections 36, 25, 24, 13, 12, Township 18 North, Range 14 East to the Nevada-Sierra County boundary.</p>				
<p style="text-align: center;">* * * * *</p>				
San Diego County, CA: ²	Nonattainment	6/3/16	Moderate.
<p>San Diego County.</p> <p>Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation³.</p> <p>Campo Band of Diegueno Mission Indians of the Campo Indian Reservation³.</p> <p>Capitan Grande Band of Diegueno Mission Indians of California³.</p> <p>Ewilaapaay Band of Kumayaay Indians³.</p> <p>Iipay Nation of Santa Ysabel³.</p> <p>Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation³.</p> <p>Jamul Indian Village of California³.</p> <p>La Jolla Band of Luiseno Indians³.</p> <p>La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation³.</p> <p>Los Coyotes Band of Cahuilla and Cupeno Indians³.</p>				

CALIFORNIA—2008 8-HOUR OZONE NAAQS—Continued
[Primary and secondary]

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation ³ . Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation ³ . Pala Band of Luiseno Mission Indians of the Pala Reservation ³ . Pauma Band of Luiseno Mission Indians of the Pauma and Yuima Reservation ³ . Rincon Band of Luiseno Mission Indians of the Rincon Reservation ³ . San Pasqual Band of Diegueno Mission Indians of California ³ . Sycuan Band of the Kumeyaay Nation ³ . Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians ³ .				
*	*	*	*	*
San Luis Obispo (Eastern San Luis Obispo), CA: ² San Luis Obispo County (part). That portion of San Luis Obispo County that lies east of a line described as follows: Beginning at the San Luis Obispo County/Santa Barbara County boundary and running north along 120 degrees 24 minutes longitude to the intersection with 35 degrees 27 minutes latitude; east along 35 degrees 27 minutes latitude to the intersection with 120 degrees 18 minutes longitude; then north along 120 degrees 18 minutes longitude to the San Luis Obispo County/Monterey County boundary.		Nonattainment	6/3/16	Marginal. ⁵
*	*	*	*	*

¹ This date is July 20, 2012, unless otherwise noted.

² Excludes Indian country located in each area, unless otherwise noted.

³ Includes Indian country of the tribe listed in this table located in the identified area. Information pertaining to areas of Indian country in this table is intended for CAA planning purposes only and is not an EPA determination of Indian country status or any Indian country boundary. EPA lacks the authority to establish Indian country land status, and is making no determination of Indian country boundaries, in this table.

⁴ Attainment date is extended to July 20, 2016.

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■ 24. Section 81.306 is amended in the table for “Colorado—2008 8-Hour

Ozone NAAQS (Primary and secondary)” by revising the entries for “Denver-Boulder-Greeley-Ft. Collins-Loveland, CO” to read as follows:

§ 81.306 Colorado.

* * * * *

COLORADO—2008 8-HOUR OZONE NAAQS
[Primary and secondary]

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Denver-Boulder-Greeley-Ft. Collins-Loveland, CO: ² Adams County. Arapahoe County. Boulder County. Broomfield County. Denver County. Douglas County. Jefferson County. Larimer County (part).		Nonattainment	6/3/16	Moderate.

COLORADO—2008 8-HOUR OZONE NAAQS—Continued
[Primary and secondary]

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
That portion of the county that lies south of a line described as follows: Beginning at a point on Larimer County's eastern boundary and Weld County's western boundary intersected by 40 degrees, 42 minutes, and 47.1 seconds north latitude, proceed west to a point defined by the intersection of 40 degrees, 42 minutes, 47.1 seconds north latitude and 105 degrees, 29 minutes, and 40.0 seconds west longitude, thence proceed south on 105 degrees, 29 minutes, 40.0 seconds west longitude to the intersection with 40 degrees, 33 minutes and 17.4 seconds north latitude, thence proceed west on 40 degrees, 33 minutes, 17.4 seconds north latitude until this line intersects Larimer County's western boundary and Grand County's eastern boundary.				
Weld County (part). That portion of the county that lies south of a line described as follows: Beginning at a point on Weld County's eastern boundary and Logan County's western boundary intersected by 40 degrees, 42 minutes, 47.1 seconds north latitude, proceed west on 40 degrees, 42 minutes, 47.1 seconds north latitude until this line intersects Weld County's western boundary and Larimer County's eastern boundary.				
* * *	*	*	*	*

¹ This date is July 20, 2012, unless otherwise noted.

² Excludes Indian country located in each area, unless otherwise noted.

* * * * *

■ 25. Section 81.307 is amended by revising the table for “Connecticut—

2008 8-Hour Ozone NAAQS (Primary and secondary)” to read as follows:

§ 81.307 Connecticut.

* * * * *

CONNECTICUT—2008 8-HOUR OZONE NAAQS
[Primary and secondary]

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Greater Connecticut, CT: ²	Nonattainment	6/3/16	Moderate.
Hartford County				
Litchfield County				
New London County				
Tolland County				
Windham County				
Mashantucket Pequot Tribe of Connecticut ³				
Mohegan Indian Tribe of Connecticut ³				
New York-N. New Jersey-Long Island, NY-NJ-CT: ²	Nonattainment	6/3/16	Moderate.
Fairfield County				
Middlesex County				
New Haven County				

¹ This date is July 20, 2012, unless otherwise noted.

² Excludes Indian country located in each area, unless otherwise noted.

³Includes Indian country of the tribe listed in this table located in the identified area. Information pertaining to areas of Indian country in this table is intended for CAA planning purposes only and is not an EPA determination of Indian country status or any Indian country boundary. EPA lacks the authority to establish Indian country land status, and is making no determination of Indian country boundaries, in this table.

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■ 26. Section 81.308 is amended by revising the table for “Delaware—2008

8-Hour Ozone NAAQS (Primary and secondary)” to read as follows:

§ 81.308 Delaware.

* * * * *

DELAWARE—2008 8-HOUR OZONE NAAQS

[Primary and secondary]

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE: ² New Castle County	Nonattainment	6/3/16	Marginal. ⁴
Seaford: ² Sussex County	Nonattainment .....	.....	Marginal.
Rest of State: ³ Southern Delaware Intrastate AQCR: (remainder) Kent County	Unclassifiable/Attainment		

¹ This date is July 20, 2012, unless otherwise noted.

² Excludes Indian country located in each area, unless otherwise noted.

³ Includes any Indian country in each county or area, unless otherwise specified.

⁴ Attainment date is extended to July 20, 2016.

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■ 27. Section 81.309 is amended by revising the table for “District of

Columbia—2008 8-Hour Ozone NAAQS (Primary and secondary)” to read as follows:

§ 81.309 District of Columbia.

* * * * *

DISTRICT OF COLUMBIA—2008 8-HOUR OZONE NAAQS

[Primary and secondary]

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Washington, DC-MD-VA: District of Columbia ²	Nonattainment	6/3/16	Marginal. ³

¹ This date is July 20, 2012, unless otherwise noted.

² Excludes Indian country located in each area, unless otherwise noted.

³ Attainment date is extended to July 20, 2016.

* * * * *

■ 28. Section 81.311 is amended in the table for “Georgia—2008 8-Hour Ozone

NAAQS (Primary and secondary)” by revising the entries for “Atlanta, GA” to read as follows:

§ 81.311 Georgia.

* * * * *

GEORGIA—2008 8-HOUR OZONE NAAQS

[Primary and secondary]

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Atlanta, GA: ²	Nonattainment	6/3/16	Moderate.

GEORGIA—2008 8-HOUR OZONE NAAQS—Continued
[Primary and secondary]

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Bartow County				
Cherokee County				
Clayton County				
Cobb County				
Coweta County				
DeKalb County				
Douglas County				
Fayette County				
Forsyth County				
Fulton County				
Gwinnett County				
Henry County				
Newton County				
Paulding County				
Rockdale County				
*	*	*	*	*

¹ This date is July 20, 2012, unless otherwise noted.

² Excludes Indian country located in each area, unless otherwise noted.

* * * * *

■ 29. Section 81.314 is amended in the table for “Illinois—2008 8-Hour Ozone NAAQS (Primary and secondary)” by:

■ a. Revising the entries for “Chicago-Naperville, IL-IN-WI”;

■ b. Revising the heading entry “St. Louis-St. Charles-Farmington, MO-IL” and the entries “Madison County”, “Monroe County”, and “St. Clair County”; and

■ c. Adding a footnote “4”.

The revisions and addition read as follows:

§ 81.314 Illinois.

* * * * *

ILLINOIS—2008 8-HOUR OZONE NAAQS
[Primary and secondary]

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Chicago-Naperville, IL-IN-WI: ²	Nonattainment	6/3/16	Moderate.
Cook County				
DuPage County				
Grundey County (part)				
Aux Sable Township				
Goose Lake Township				
Kane County				
Kendall County (part)				
Oswego Township				
Lake County				
McHenry County				
Will County				
St. Louis-St. Charles-Farmington, MO-IL: ²	Nonattainment	6/3/16	Marginal. ⁴
Madison County				
Monroe County				
St. Clair County				
*	*	*	*	*

¹ This date is July 20, 2012, unless otherwise noted.

² Excludes Indian country located in each area, unless otherwise noted.

* * *

⁴ Attainment date is extended to July 20, 2016.

* * * * *

■ 30. Section 81.315 is amended in the table for “Indiana—2008 8-Hour Ozone

NAAQS (Primary and secondary)” by revising the entries for “Chicago-Naperville, IL-IN-WI” to read as follows:

§ 81.315 Indiana.

* * * * *

INDIANA—2008 8-HOUR OZONE NAAQS
[Primary and secondary]

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Chicago-Naperville, IL-IN-WI: ²	Nonattainment	6/3/16.	Moderate.
Lake County				
Porter County				
*	*	*	*	*

¹ This date is July 20, 2012, unless otherwise noted.

² Excludes Indian country located in each area, unless otherwise noted.

* * * * *

■ 31. Section 81.321 is amended in the table for “Maryland—2008 8-Hour Ozone NAAQS (Primary and secondary)” by:

- a. Revising the entries for “Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE”;
- b. Revising the heading entry “Washington, DC-MD-VA”; and
- c. Adding a footnote “4”.

The revisions and addition read as follows:

§ 81.321 Maryland.

* * * * *

MARYLAND—2008 8-HOUR OZONE NAAQS
[Primary and secondary]

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE: ²	Nonattainment	6/3/16	Marginal. ⁴
Cecil County
Washington, DC-MD-VA: ²	Nonattainment	6/3/16	Marginal. ⁴
*	*	*	*	*

¹ This date is July 20, 2012, unless otherwise noted.

² Excludes Indian country located in each area, unless otherwise noted.

* * *

⁴ Attainment date is extended to July 20, 2016.

* * * * *

■ 32. Section 81.326 is amended in the table for “Missouri—2008—8-Hour Ozone NAAQS (Primary and

secondary)” by revising the heading entry for “St. Louis-St. Charles-Farmington, MO-IL” and adding a footnote “4” to read as follows:

§ 81.326 Missouri.

* * * * *

MISSOURI—2008 8-HOUR OZONE NAAQS
[Primary and secondary]

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
St. Louis-St. Charles-Farmington, MO-IL: ²	Nonattainment	6/3/16	Marginal. ⁴
*	*	*	*	*

¹ This date is July 20, 2012, unless otherwise noted.

² Excludes Indian country located in each area, unless otherwise noted.

* * *

⁴ Attainment date is extended to July 20, 2016.

* * * * *

■ 33. Amend § 81.331 by revising the table for “New Jersey—2008 8-Hour

Ozone NAAQS (Primary and secondary)” to read as follows:

§ 81.331 New Jersey.

* * * * *

NEW JERSEY—2008 8-HOUR OZONE NAAQS

[Primary and secondary]

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
New York-N. New Jersey-Long Island, NY-NJ-CT: ² .. Bergen County. Essex County. Hudson County. Hunterdon County. Middlesex County. Monmouth County. Morris County. Passaic County. Somerset County. Sussex County. Union County. Warren County.	Nonattainment	6/3/16	Moderate.
Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE: ² . Atlantic County. Burlington County. Camden County. Cape May County	Nonattainment	6/3/16	Marginal. ³ .
Cumberland County. Gloucester County. Mercer County. Ocean County. Salem County.			

¹ This date is July 20, 2012, unless otherwise noted.² Excludes Indian country located in each area, unless otherwise noted.³ Attainment date is extended to July 20, 2016.

* * * * *

■ 34. Section 81.333 is amended in the table for “New York—2008 8-Hour

Ozone NAAQS (Primary and secondary)” by revising the entries for “New York-N. New Jersey-Long Island, NY-NJ-CT” to read as follows:

§ 81.333 New York.

* * * * *

NEW YORK—2008 8-HOUR OZONE NAAQS

[Primary and secondary]

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
* * * * * New York-N. New Jersey-Long Island, NY-NJ-CT: ² .. Bronx County. Kings County. Nassau County. New York County. Queens County. Richmond County. Rockland County. Suffolk County. Westchester County. Shinnecock Indian Nation ³	Nonattainment	6/3/16	Moderate.
* * * * *				

¹ This date is July 20, 2012, unless otherwise noted.² Excludes Indian country located in each area, unless otherwise noted.

³ Includes Indian country of the tribe listed in this table located in the identified area. Information pertaining to areas of Indian country in this table is intended for CAA planning purposes only and is not an EPA determination of Indian country status or any Indian country boundary. EPA lacks the authority to establish Indian country land status, and is making no determination of Indian country boundaries, in this table.

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■ 35. Section 81.336 is amended in the table for “Ohio—2008 8-Hour Ozone NAAQS (Primary and secondary)” by

revising the entries for “Cleveland-Akron-Lorain, OH” and adding a footnote “4” to read as follows:

§ 81.336 Ohio.

* * * * *

OHIO—2008—8-HOUR OZONE NAAQS

[Primary and secondary]

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
* * * * * Cleveland-Akron-Lorain, OH: ² Ashtabula County. Cuyahoga County. Geauga County. Lake County. Lorain County. Medina County. Portage County. Summit County. * * * * *		Nonattainment	6/3/16	Marginal. ⁴

¹ This date is July 20, 2012, unless otherwise noted.² Excludes Indian country located in each area, unless otherwise noted.

* * *

⁴ Attainment date is extended to July 20, 2016.

* * * * *

■ 36. Section 81.339 is amended in the table for “Pennsylvania—2008 8-Hour Ozone NAAQS (Primary and

secondary)” by revising the entries for “Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE” and “Pittsburgh-

Beaver Valley, PA” and adding a footnote “4” to read as follows:

§ 81.339 Pennsylvania.

* * * * *

PENNSYLVANIA—2008 8-HOUR OZONE NAAQS

[Primary and secondary]

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
* * * * * Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE ² . Bucks County. Chester County. Delaware County. Montgomery County. Philadelphia County. Pittsburgh-Beaver Valley, PA: ² Allegheny County. Armstrong County. Beaver County. Butler County. Fayette County. Washington County. Westmoreland County. * * * * *		Nonattainment	6/3/16	Marginal. ⁴

¹ This date is July 20, 2012, unless otherwise noted.² Excludes Indian country located in each area, unless otherwise noted.

* * *

⁴ Attainment date is extended to July 20, 2016.

* * * * *

■ 37. Section 81.344 is amended in the table for “Texas—2008 8-Hour Ozone

NAAQS (Primary and secondary)” by revising the entries for “Houston-Galveston-Brazoria, TX” and adding a footnote “4” to read as follows:

§ 81.344 Texas.

* * * * *

TEXAS—2008 8-HOUR OZONE NAAQS
[Primary and secondary]

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
* * * * * Houston-Galveston-Brazoria, TX: ² Brazoria County. Chambers County. Fort Bend County. Galveston County. Harris County. Liberty County. Montgomery County. Waller County. * * * * *		Nonattainment	6/3/16	Marginal. ⁴

¹ This date is July 20, 2012, unless otherwise noted.

² Excludes Indian country located in each area, unless otherwise noted.

* * *

⁴ Attainment date is extended to July 20, 2016.

* * * * *

■ 38. Section 81.347 is amended in the table for “Virginia—2008 8-Hour Ozone

NAAQS (Primary and secondary)” by revising the entries for “Washington, DC-MD-VA” and adding a footnote “4” to read as follows:

§ 81.347 Virginia.

* * * * *

VIRGINIA—2008 8-HOUR OZONE NAAQS
[Primary and secondary]

Designated area ¹	Designation		Classification	
	Date ²	Type	Date ²	Type
Washington, DC-MD-VA: ² Arlington County. Fairfax County. Loudoun County. Prince William County. Alexandria City. Fairfax City. Falls Church City. Manassas City. Manassas Park City. * * * * *		Nonattainment	6/3/16	Marginal. ⁴

¹ This date is July 20, 2012, unless otherwise noted.

² Excludes Indian country located in each area, unless otherwise noted.

* * *

⁴ Attainment date is extended to July 20, 2016.

* * * * *

■ 39. Section 81.350 is amended in the table for “Wisconsin—2008 8-Hour Ozone NAAQS (Primary and secondary)” by:

■ a. Revising the heading entry for “Chicago-Naperville, IL-IN-WI” and the entries for “Sheboygan County, WI”; and

■ b. Adding a footnote “4”.

The revisions and addition read as follows:

§ 81.350 Wisconsin.

* * * * *

WISCONSIN—2008 8-HOUR OZONE NAAQS
[Primary and secondary]

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Chicago-Naperville, IL-IN-WI: ² * * * * * Sheboygan County, WI: ²		Nonattainment	6/3/16	Moderate. Marginal. ⁴

WISCONSIN—2008 8-HOUR OZONE NAAQS—Continued

[Primary and secondary]

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Sheboygan County.				
*	*	*	*	*

¹ This date is July 20, 2012, unless otherwise noted.² Excludes Indian country located in each area, unless otherwise noted.

* * *

⁴ Attainment date is extended to July 20, 2016.

* * * * *

[FR Doc. 2016-09729 Filed 5-3-16; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 180****[EPA-HQ-OPP-2015-0014; FRL-9944-82]****Mefenoxam; Pesticide Tolerances****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: This regulation establishes tolerances for residues of mefenoxam in or on rapeseed subgroup 20A. Syngenta Crop Protection, LLC., requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective May 4, 2016. Objections and requests for hearings must be received on or before July 5, 2016, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2015-0014, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Susan Lewis, Registration Division

(7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; main telephone number: (703) 305-7090; email address: RDfrNotices@epa.gov.

SUPPLEMENTARY INFORMATION:**I. General Information***A. Does this action apply to me?*

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2015-0014 in the subject line on the first page of your submission. All

objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before July 5, 2016. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA-HQ-OPP-2015-0014, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <http://www.epa.gov/dockets>.

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of April 6, 2015 (80 FR 18327) (FRL-9924-00), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 4F8323) by Syngenta Crop Protection, LLC., 410 Swing Road, Greensboro, NC 27419. The petition requested that 40 CFR 180.546



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May 3, 2016

Mr. Misael Cabrera, Director
 Arizona Department of Environmental Quality
 1110 West Washington Street
 Phoenix, Arizona 85007

Dear Mr. Cabrera:

The Maricopa Association of Governments (MAG) has appreciated the opportunity to participate in the Arizona Department of Environmental Quality (ADEQ) stakeholder meetings on the 2015 Ozone Standard Boundary Designations. On April 27, 2016, the MAG Regional Council took action to approve sending a letter to ADEQ requesting that the Maricopa ozone boundary not be expanded at this time, since the Queen Valley and Tonto National Monument monitors only slightly exceed the standard and there is a downward trend at the monitors. Monitor data from the 2016 ozone season should be evaluated first to determine if the monitors have met the standard or if it is necessary to revise the boundary recommendation.

On April 14, 2016, ADEQ conducted a stakeholder meeting and proposed an expansion of the Maricopa eight-hour ozone nonattainment area to include portions of Pinal County and Gila County. Based upon 2013-2015 monitor data, the Queen Valley monitor in Pinal County and the Tonto National Monument monitor in Gila County are at 0.071 parts per million compared to the 2015 ozone standard of 0.070 parts per million. The data for the Tonto monitor excludes an exceedance caused by a wildfire exceptional event in 2015. On February 29, 2016, MAG staff provided information to ADEQ showing a downward trend in the concentrations at both monitors from 2001-2015 (see attachment).

In accordance with the Clean Air Act, states are required to submit their area designation recommendations by October 1, 2016 to the Environmental Protection Agency (EPA) based upon 2013-2015 data. By October 1, 2017, EPA will finalize the designations based upon 2014-2016 data. For this reason, EPA encourages states to review and consider preliminary 2016 air quality data in their designation recommendations. This is stated on page 4 of the EPA memorandum, Area Designations for the 2015 Ozone National Ambient Air Quality Standards dated February 25, 2016.

If the Maricopa eight-hour ozone nonattainment area is expanded as ADEQ is proposing, there will be tighter controls on business and industry in the new area and transportation conformity requirements will apply. These requirements could have a negative impact on economic development in Pinal County.

Again, MAG is requesting that the Maricopa ozone boundary not be expanded at this time, since the Queen Valley and Tonto National Monument monitors only slightly exceed the standard and there is a downward trend at the monitors. Monitor data from the 2016 ozone season should be evaluated first to determine if the monitors have met the standard or if it is necessary to revise the boundary recommendation.

We look forward to working cooperatively with the Arizona Department of Environmental Quality in our continuing efforts to improve air quality. If you have any questions, please do not hesitate to contact Lindy Bauer or me at (602) 254-6300.

Sincerely,

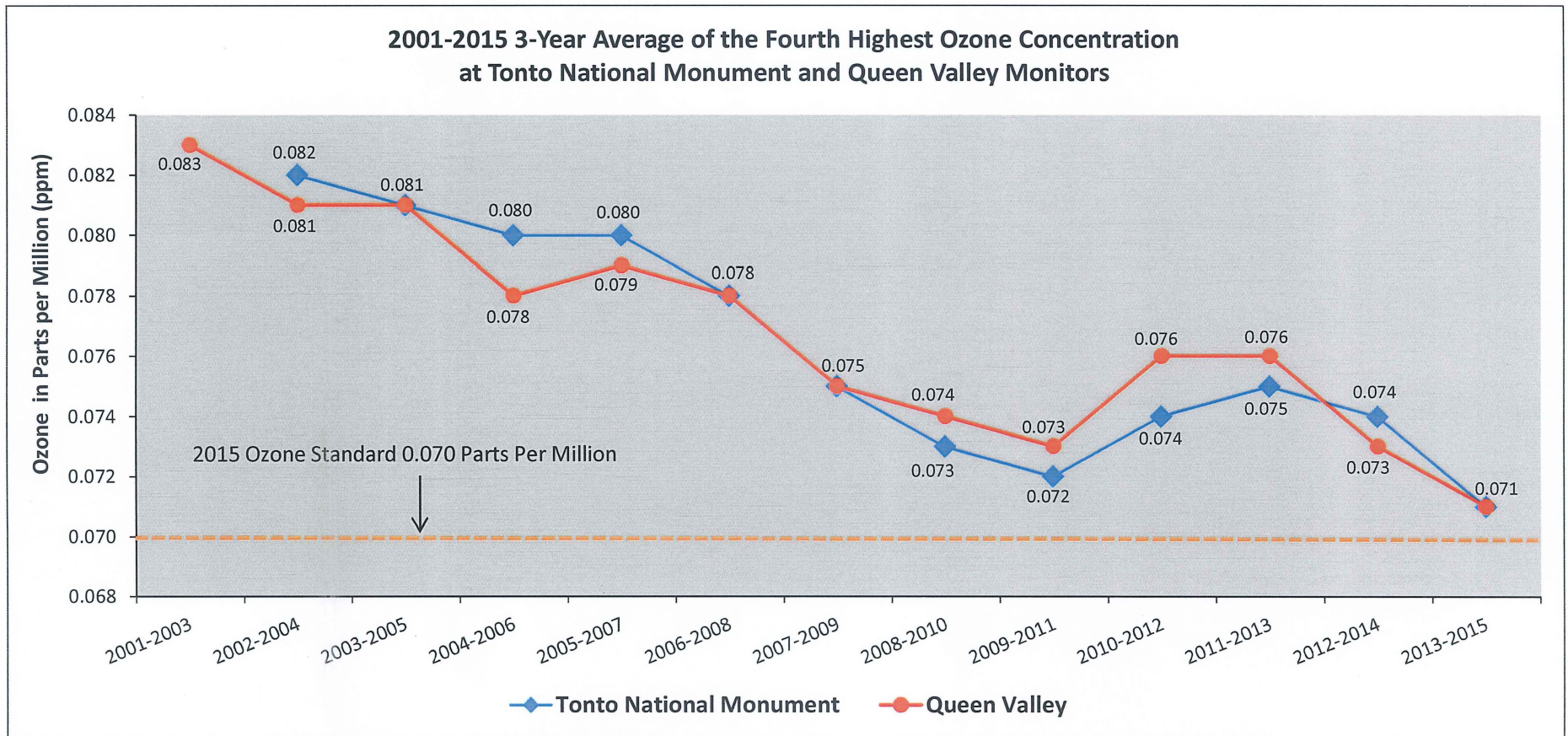
A handwritten signature in dark ink, appearing to read "D. Smith", written in a cursive style.

Dennis Smith
Executive Director

cc: MAG Regional Council
Greg Stanley, Pinal County
Irene Higgs, Sun Corridor Metropolitan Planning Organization
Ken Hall, Central Arizona Governments
Timothy Franquist, Arizona Department of Environmental Quality

Monitor	2001-2015 FOURTH HIGHEST OZONE CONCENTRATIONS (parts per million)														
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Tonto National Monument		0.087	0.084	0.077	0.084	0.081	0.076	0.078	0.072	0.070	0.076	0.078	0.072	0.072	0.070
Queen Valley	0.079	0.083	0.087	0.073	0.084	0.079	0.076	0.080	0.070	0.072	0.078	0.078	0.073	0.068	0.074

Monitor	2001-2015 3-YEAR AVERAGE OF THE FOURTH HIGHEST OZONE CONCENTRATIONS (parts per million)												
	2001-2003	2002-2004	2003-2005	2004-2006	2005-2007	2006-2008	2007-2009	2008-2010	2009-2011	2010-2012	2011-2013	2012-2014	2013-2015
Tonto National Monument		0.082	0.081	0.080	0.080	0.078	0.075	0.073	0.072	0.074	0.075	0.074	0.071
Queen Valley	0.083	0.081	0.081	0.078	0.079	0.078	0.075	0.074	0.073	0.076	0.076	0.073	0.071



Data Source: U.S. EPA Air Data (<http://www3.epa.gov/airdata>) accessed on April 26, 2016.

Note: The June 20, 2015 exceedance of 0.079 ppm at the Tonto monitor is excluded from the data as an exceptional event caused by the Lake Fire in San Bernardino County, California

CMAQ Detailed Project Listing Report for 2015																							
STATE	CMAQ PROJECT ID	YEAR	CAPITAL AMOUNT	TOTAL PROJECT AMOUNT	PROJECT TYPE	PROJECT TITLE	PROJECT DESCRIPTION	VOC (kg/day)	CO (kg/day)	NOx (kg/day)	PM10 (Kg/Day)	PM2.5 (Kg/Day)	STATE PROJECT ID	FMIS PROJECT ID	TIP PROJECT ID	MPO	Is project located at Nonattainment/Maintenance Area?	Is this an outreach activity?	Is this a TCM in an approved SIP?	Is this a congestion reduction project?	Does this project include operating assistance?	Approval Status	CONTINUING PROJECT?
Arizona	AZ20150001	2015	\$141,450.00	\$160,000.00	Congestion Reduction and Traffic Flow Improvements	Apache Junction: ITS Strategic Plan	Complete an Intelligent Transportation Systems Strategic Plan.	1.1500	13.0300	0.4700	1.0900		SZ11203D	APJ0210	APJ15-461	Maricopa Association of Governments	Y	N	N	Y	N	Entered by HQ	N
Arizona	AZ20150002	2015	\$169,740.00	\$180,000.00	Bicycle and Pedestrian Facilities and Programs	Apache Junction: Pedestrian Improvements	Design for reconstruct sidewalks with ADA compliant ramps and driveways on Southern Avenue from Winchester Road to Royal Palms Road and on Winchester Road from Hondo Avenue to Southern Avenue for 0.9 mile.	0.0100	0.0600	0.0100	0.4500		SZ18301D	APJ0212	APJ17-401D	Maricopa Association of Governments	Y	N	N	Y	N	Approved by Division	N
Arizona	AZ20150003	2015	\$5,566,061.00	\$5,900,000.00	Congestion Reduction and Traffic Flow Improvements	Arizona Department of Transportation: Freeway Management System	Construct Freeway Management System on Interstate-10 from Litchfield Road to 83rd Avenue for 7 miles.	0.0400	-0.1500	0.0100	0.0500		H864201C; H864201D	010B212	DOT16-420	Maricopa Association of Governments	Y	N	N	Y	N	Approved by Division	N
Arizona	AZ20150004	2015	\$1,247,485.00	\$1,489,120.00	Congestion Reduction and Traffic Flow Improvements	Arizona Department of Transportation: Intelligent Transportation Systems project	Systems Rehabilitation: Dynamic Message Sign Retrofits Kits and associated components region wide.	0.1100	-0.3800	0.0300	0.1200		H880901D; H889301C	888A225; 888A230	DOT15-193	Maricopa Association of Governments	Y	N	N	Y	N	Approved by Division	N
Arizona	AZ20150005	2015	\$471,500.00	\$500,000.00	Congestion Reduction and Traffic Flow Improvements	Arizona Department of Transportation: Intelligent Transportation Systems project	Design Freeway Management System on Interstate-10 from Cotton Lane to Litchfield Road for 4 miles.	0.0300	-0.1200	0.0100	0.0300		H881901D	010B216	DOT15-462	Maricopa Association of Governments	Y	N	N	Y	N	Approved by Division	N
Arizona	AZ20150006	2015	\$565,800.00	\$600,000.00	Congestion Reduction and Traffic Flow Improvements	Arizona Department of Transportation: Intelligent Transportation Systems project	Design Freeway Management System on Loop 202 (Santan) from Ray Road to Broadway Road for 5.5 miles.	0.0700	-0.3200	0.0300	0.0800		H881801D	202C205	DOT15-463	Maricopa Association of Governments	Y	N	N	Y	N	Approved by Division	N
Arizona	AZ20150007	2015	\$471,500.00	\$522,000.00	Congestion Reduction and Traffic Flow Improvements	Arizona Department of Transportation: Intelligent Transportation Systems project	Design Freeway Management System on Loop 303 from Interstate-10 to Northern Avenue for 5 miles.	0.0400	-0.1700	0.0200	0.0500		H881301D	303A222	DOT15-464	Maricopa Association of Governments	Y	N	N	Y	N	Approved by Division	N
Arizona	AZ20150008	2015	\$508,579.00	\$539,320.00	Congestion Reduction and Traffic Flow Improvements	Avondale: Intelligent Transportation Systems project	Procure and construct and install Intelligent Transportation System components on Dysart Rd from Rancho Santa Fe to Indian School Road for 2.25 miles.	0.3800	5.1400	0.2500	0.3300		SZ07901C; SZ07903D	AVN0216	AVN15-461	Maricopa Association of Governments	Y	N	N	Y	N	Approved by Division	N
Arizona	AZ20150009	2015	\$1,277,405.00	\$2,927,405.00	Bicycle and Pedestrian Facilities and Programs	Avondale: Multi-use Path	Central Avenue from Van Buren Street south to Western Avenue for 1 mile.	0.0500	0.5700	0.0700	6.9000		SZ04301C	AVN0214	AVN14-107	Maricopa Association of Governments	Y	N	N	Y	N	Approved by Division	N
Arizona	AZ20150010	2015	\$511,766.00	\$542,700.00	Congestion Reduction and Traffic Flow Improvements	Chandler: Intelligent Transportation Systems project	Procure traffic signal controllers.	45.0600	555.2500	23.1000	41.5200		SZ15901C	CHN0233	CHN15-461	Maricopa Association of Governments	Y	N	N	Y	N	Approved by Division	N
Arizona	AZ20150011	2015	\$370,343.00	\$392,729.00	Congestion Reduction and Traffic Flow Improvements	El Mirage: Intelligent Transportation Systems project	Construct arterial traffic signal enhancements at various locations affecting 13 miles.	0.7000	4.7400	1.3100	0.5300		SZ10301C	ELM0208	ELM14-101	Maricopa Association of Governments	Y	N	N	Y	N	Approved by Division	N
Arizona	AZ20150012	2015	\$137,690.00	\$194,690.00	Congestion Reduction and Traffic Flow Improvements	Gilbert: Intelligent Transportation Systems project	Install fiber and Intelligent Transportation System components on Pecos Road; Power Road; and Germann Road for a distance of 5 miles.	2.3200	30.5500	3.9100	1.9400		SZ13201C	GIL0213	GLB13-904	Maricopa Association of Governments	Y	N	N	Y	N	Approved by Division	N
Arizona	AZ20150013	2015	\$219,719.00	\$233,000.00	Congestion Reduction and Traffic Flow Improvements	Goodyear: Intelligent Transportation Systems project	Procure and install fiber and switch hardware on SR 303 from McDowell Road to Camelback Road for a distance of 3 miles.	0.4000	2.6500	-0.0400	0.4500		SZ11901C	GDY0209	GDY15-461	Maricopa Association of Governments	Y	N	N	Y	N	Approved by Division	N
Arizona	AZ20150014	2015	\$749,164.00	\$794,448.00	Congestion Reduction and Traffic Flow Improvements	Goodyear: Intelligent Transportation Systems project	Install signal communications and Intelligent Transportation System components on Van Buren Street from Estrella Parkway to Cotton Lane for 2 miles.	0.1600	2.2100	0.2500	0.1400		SZ11801C	GDY0207	GDY14-101	Maricopa Association of Governments	Y	N	N	Y	N	Approved by Division	N

